

## **CODIFIED ORDINANCES OF TITUSVILLE**

### **PART THIRTEEN - ZONING CODE**

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#### **ARTICLE 1301 General Provisions**

- 1301.01 Title.**
- 1301.02 Effective date.**
- 1301.03 Compliance.**
- 1301.04 Severability.**
- 1301.05 Repeal.**
- 1301.06 Authority.**
- 1301.07 Purpose and provisions.**
- 1301.08 Statement of community development objectives.**

#### **CROSS REFERENCES**

- General regulations - see ZON. Art. 1305
- Definitions - see ZON. Art. 1325

#### **1301.01 TITLE.**

The official title of this Ordinance is: "Zoning Ordinance, City of Titusville, Pennsylvania." (Ord. 3182. Passed 5-26-09.)

#### **1301.02 EFFECTIVE DATE.**

This Ordinance shall become effective twenty (20) days after final passage by Council. (Ord. 3182. Passed 5-26-09.)

#### **1301.03 COMPLIANCE.**

No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance. (Ord. 3182. Passed 5-26-09.)

**1301.04 SEVERABILITY.**

The provisions of this Ordinance shall be severable, and, if any of its provisions shall be unconstitutional, the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not been included therein. (Ord. 3182. Passed 5-26-09.)

**1301.05 REPEAL.**

All ordinances, or part thereof, conflicting herewith, be and the same, are hereby repealed. Specifically repealed are Ordinance 1681 of October 23, 1967 and all amendments thereto. (Ord. 3182. Passed 5-26-09.)

**1301.06 AUTHORITY.**

This Ordinance is adopted pursuant to the powers granted to the City by Article VI and Section 601 of the Pennsylvania Municipalities Planning Code. (Ord. 3182. Passed 5-26-09.)

**1301.07 PURPOSE AND PROVISIONS.**

The purposes and provisions of this Ordinance are those as set forth by Sections 603, 603.1, and 604 of the Pennsylvania Municipalities Planning Code. (Ord. 3182. Passed 5-26-09.)

**1301.08 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.**

To implement the Oil Creek Regional Multi-Municipal Comprehensive Plan, as amended, adopted on August 27, 2001.

- (a) To preserve the essential character of the City of Titusville.
- (b) To allow for residential development of all types.
- (c) Protect the existing commercial uses, fostering the orderly and selective growth of businesses in appropriate locations.
- (d) Protect the existing industrial uses and accommodate the redevelopment of brownfield industrial sites.
- (e) To guide development into locations and patterns which will serve to protect property values and preserve residential neighborhood character where such character has been established, preventing incompatible uses of building and sites which would have the effect of undermining such values and neighborhood character, while allowing adaptive re-use.
- (f) To allow citizens maximum opportunities to develop their property consistent with the other objectives of this Ordinance.
- (g) To protect environmentally sensitive areas and allow for development and expansion.
- (h) To promote limited mixed (residential/restricted commercial) uses along the Route 8 corridor.
- (i) To allow a Gallery Overlay District along Main Street to enhance a historic neighborhood.

- (j) To provide for the preservation of historic areas within the City through the use of a Historic Overlay District.
- (k) To encourage the viability of the Titusville downtown by allowing a mixture of uses and encourage the use of upper stories of buildings for commercial and residential uses.
- (l) To preserve and promote a pedestrian friendly community and support developing greenways and open space within Titusville, especially along Oil Creek.  
(Ord. 3182. Passed 5-26-09.)



## **ARTICLE 1305 District Regulations**

- 1305.01 Zoning Map.**
- 1305.02 Zoning Districts.**
- 1305.03 District boundaries.**
- 1305.04 Permitted uses, conditional uses and special exceptions.**
- 1305.05 Special provisions.**
- 1305.06 Lot yard and height requirements.**
- 1305.07 Industrial Overlay District (IOD).**
- 1305.08 Permitted uses with conditions, conditional uses and special exceptions.**

### **CROSS REFERENCES**

Official Map - see Act 247 of 7-31-68 §401 et seq.  
Zoning classification - see Act 247 of 7-31-68 §605

#### **1305.01 ZONING MAP.**

A map entitled "Zoning Map, City of Titusville, Pennsylvania" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the City (Clerk or Code Officer) Office. Copies of the Zoning Map, together with the Zoning Ordinance, shall be made available to the general public by the City at a reasonable fee to be determined by City Council. (Ord. 3182. Passed 5-26-09.)

#### **1305.02 ZONING DISTRICTS.**

The City is divided into the districts stated by Table 204 and Table 205 in this article and as shown by the district boundaries on the Zoning Map. The districts are:

- (a) S-1 Special Conservation: These are areas of the City where steep slopes or other physical concerns limit development. Parks and cemeteries are also included in this district. By design, this district is limited to low-intensity uses and requires a larger lot size.
- (b) Residential Districts: Districts designated for residential use are for dwellings and the uses normally associated with residential neighborhoods. Such uses include schools, churches and parks. The Residential Limited Business District (RLB) has been specifically designed for mixed-use areas. The specific purpose of each of the residential districts is as follows:
  - (1) R-1 Single-Family Residential Districts are for single-family residential developments and associated uses.
  - (2) R-2 Two-Family Residential Districts are for single, two-family and limited multi-family residential developments of low to moderate density. Home occupations and complementary uses are also permitted.

- (3) R-3 Multiple-Family Residential District is a district designed to accommodate a variety of residential uses along with selected commercial activities.
  - (4) RLB Residential Limited Business: In this district, residential and limited commercial activities are permitted which are deemed compatible with nearby residential areas. These districts often have mixed uses and are along busy transportation corridors.
  - (5) Gallery Overlay District: An overlay district focusing along Main Street to allow for alternative uses of the City's older, often historic, structures.
- (c) Commercial Districts: The City has two commercial zoning districts. One is designed for traditional downtown commercial and the second is designed for the downtown frame area.
- (1) C-1 Commercial District: This covers the City's traditional downtown commercial area. Because of its existing development patterns, parking requirements are not applied for non-residential uses in this district.
  - (2) C-2 Commercial District: To a large extent, uses in this district are similar to the C-1 District. However, as existing development is not as intense, parking requirements are applied.
- (d) Industrial Districts: This includes the City's traditional industrial district to accommodate current and future industrial activities as well as a special Urban Industrial District.
- (1) I-Industrial District: This includes the City's traditional industrial district to accommodate current and future industrial activities.
  - (2) UI-Urban Industrial District: This district is intended to accommodate existing industrial development already in the City while minimizing its impact on nearby residential areas.
- (e) IOD - Industrial Overlay District: This district is primarily intended to facilitate the redevelopment of older brownfield industrial areas.
- (f) The Historic Overlay District: This district functions as an overlay district and is intended to allow property owners to protect historically significant areas of the City. (Ord. 3182. Passed 5-26-09.)

### **1305.03 DISTRICT BOUNDARIES.**

District boundaries that are shown within the lines of streets, streams and transportation rights of ways shall be deemed to follow the centerlines. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance. (Ord. 3182. Passed 5-26-09.)



**1305.04 PERMITTED USES, CONDITIONAL USES AND SPECIAL EXCEPTIONS.**

The permitted uses, conditional uses and special exceptions for each district are shown in the following sections and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the City Council after the recommendation of the Planning Commission and in accordance with the provisions of this Ordinance. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a conditional use or special exception, the City Council or the Zoning Hearing Board, as the case may be, may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood. Permitted uses will be approved or denied by the Zoning Officer according to the provisions of this Ordinance. There are overlay districts used in this Ordinance. An overlay district sets forth certain regulations that are in addition to those of the primary zoning district.

If abutting non-industrial uses, the applicant shall present a plan for screening and buffering which will minimize any impact and filter most light and noise.

Please note: some permitted uses have additional or more specific conditions with the appropriate section number shown in parenthesis. Not all permitted uses have such additional conditions.

Uses in each category shall be according to the common meaning of the term, or as set forth in Article 1325. (Ord. 3182. Passed 5-26-09.)

**1305.05 SPECIAL PROVISIONS.**

This section is intended to comply with the requirements of §603(C) of the Pennsylvania Municipalities Planning Code:

- (a) Prime Agricultural Land: The City of Titusville is an urban place and is nearly fully developed. There are no active farms currently within its borders. Provisions for agricultural operations are found in the other municipalities within the Oil Creek area. Note: The keeping of large animals in the City for personal use is not regarded as an agricultural operation. It is, however, governed by health regulations of the City.
- (b) Historic Preservation: The City of Titusville supports the concept of historic preservation, and this Ordinance allows for the conversion of older large dwellings into apartments or offices. The Historic and Gallery Overlay Districts have been specifically created for this purpose.
- (c) Forestry: The practice of forestry, including timber harvesting, is declared as a permitted use in all districts. It is subject to the following conditions:
  - (1) Any harvesting shall present an approved erosion and sediment control plan (as needed) prior to the issuance of a zoning permit.
  - (2) In all districts, to avoid traffic congestion and sound disturbance, all activities must start after 8:00 a.m. and end by 5:00 p.m. during the workweek, and on Saturday. No Sunday work shall be permitted.
  - (3) Contact must be made prior to the start of activities of all aboveground and underground utilities.

**Table 204  
Schedule of Use Districts**

**S-1 Special Conservation District\***

Permitted Uses

Forestry (1305.05(c))	Essential Services
Public Parks	Accessory Uses and Structures

Special Exceptions

Public Utility Substations/Facilities (1305.08(b)(2))	Single-Family Dwellings
Cemeteries (1305.08(b)(24))	No Impact Home-Based Businesses
Colleges/Universities (1305.08(b)(29))	

\*See 207.29 for all developments in this District.

**R-1 Single-Family Residential District**

Permitted Uses

Forestry (1305.05(c))	Churches
Single-Family Dwellings	Accessory Uses and Structures
Schools (1305.08(b)(4))	Essential Services
Public Parks	Colleges/Universities (1305.08(b)(29))
	No Impact Home-Based Businesses

Special Exceptions

Bed and Breakfast Inns (1305.08(b)(7))	Family Day Care Homes (1305.08(b)(15))
Public Utility Substations (1305.08(b)(22))	Two-Family Dwellings (1305.08(b)(32))

**R-2 Two-Family Residential District**Permitted Uses

Forestry (1305.05(c))	Two-Family Dwellings
No Impact Home-Based Businesses	Parks and Playgrounds
Family Day Care Homes (1305.08(b)(15))	Schools (1305.08(b)(4))
Churches	Accessory Uses and Structures
Single-Family Dwellings	Essential Services
Museums	

Special Exceptions

Group Day Care Homes (1305.08(b)(15))	Hospitals (1305.08(b)(4))
Public Utility Substations/Facilities (1305.08(b)(2))	Funeral Homes (1305.08(b)(8))
Three- and Four-Family Dwellings (1305.08(b)(6))	Assisted Living Facilities (1305.08(b)(20))
Bed and Breakfast Inns (1305.08(b)(7))	Personal Care Boarding Homes (1305.08(b)(10))
Conversion Dwellings (1305.08(b)(11))	Colleges and Universities (1305.08(b)(29))
Insurance Offices (1305.08(b)(13))	Lawyers (1305.08(b)(13))
Home Occupations (1305.08(b)(3))	

**R-3 Multiple-Family Residential District**Permitted Uses

Forestry (1305.05(c))	Two-Family Dwellings
Single-Family Dwellings	Accessory Uses and Structures
Public Parks and Playgrounds	Conversion Dwellings (1305.08(b)(11))
Essential Services	Boarding/Rooming Homes (1305.08(b)(9))
Churches	Home Occupations (1305.08(b)(3))
No Impact Home-Based Businesses	Bed and Breakfast Inns (1305.08(b)(7))

**R-3 Multiple-Family Residential District (Cont.)**Permitted Uses

Group and Family Day Care Homes (1305.08(b)(15))	Accessory Uses and Structures
Essential Services	Three- and Four-Family Dwellings (1305.08(b)(6))
	Dwelling/Multiple Family

Special Exceptions

Day Care Centers (1305.08(b)(15))	Funeral Homes (1305.08(b)(8))
Schools (1305.08(b)(4))	Townhouse Developments (1305.08(b)(5))
Assisted Living Facilities (1305.08(b)(20))	Personal Care Homes/Adult Day Care (1305.08(b)(10))
Public Utility Substations/Facilities (1305.08(b)(2))	Hospitals (1305.08(b)(4))
Insurance Offices (1305.08(b)(13))	Professional Offices (1305.08(b)(13))
Lawyers (1305.08(b)(13))	

**RLB Residential Limited Business District**Permitted Uses

Professional Offices (1305.08(b)(13))	Public Buildings
Funeral Homes (1305.08(b)(8))	Accessory Uses and Structures
Personal Service	Essential Services
Banks and Offices (1305.08(b)(13))	Bed and Breakfast Inns (1305.08(b)(7))
Public Parking (1305.08(b)(16))	Forestry (1305.05(c))
Single-Family Dwellings	Limited Retail Business
Two-Family Dwellings	

Special Exceptions

Three- and Four-Family Dwellings (1305.08(b)(6))	Conversion Dwellings (1305.08(b)(11))
Public or Private Ambulance Service on a Main Highway (1305.08(b)(12))	Personal Care Boarding Homes (1305.08(b)(10))
	Assisted Living Facilities (1305.08(b)(20))

In the RLB District, the total floor area of the principal structure and all accessory uses shall not exceed three thousand (3,000) square feet.

**Gallery Overlay District**Permitted UsesSpecial ExceptionsConditional Uses

Gallery Use 1305.08(b)(31))

**C-1 Downtown Commercial District**Permitted Uses

Retail Use	Forestry (1305.05(c))
Restaurants, Bars and Taverns	Accessory Uses and Structures
Banks and Offices (1305.08(b)(13))	Essential Services
Gas Stations	Hotels and Motels (1305.08(b)(18))
Public/Private Parking	Residential above the first floor (1305.08(b)(1))

Special Exceptions

Service Garage (1305.08(b)(25))	Places of Assembly
Shopping Centers (1305.08(b)(30))	Public or Private Ambulance Service on a Main Highway (1305.08(b)(12))

In the C-1 District, which is in the Titusville downtown, parking requirements do not apply, due to available on-street parking, existing development patterns, and lot parking.

**C-2 Commercial District**Permitted Uses

Retail Uses	Forestry (1305.05(c))
Restaurants, Bars and Taverns	Accessory Uses and Structures
Banks and Offices (1305.08(b)(13))	Essential Services
Gas Stations	Hotels and Motels (1305.08(b)(18))
Places of Assembly	Public/Private Parking

Special Exceptions

Service Garage (1305.08(b)(25))	Public or Private Ambulance Service on a Main Highway (1305.08(b)(12))
Shopping Centers (1305.08(b)(30))	
Residential Above the First Floor (1305.08(b)(1))	

**I-Industrial District**Permitted Uses

Corporate and Business Offices	Laboratories
Forestry (1305.05(c))	Warehousing
Light Manufacturing	Wholesale Businesses

**I-Industrial District (Cont.)**Permitted Uses

Equipment Rental Service	Accessory Uses and Structures
Service Garage	Essential Services
Signs/Outdoor Advertising	Off-Street Parking Lots
Self-Storage Facilities	Communication Towers/Antennas (1305.08(b)(14))
Contractor Yards	Public Utility Substations/Facilities (1305.08(b)(2))
Supply Yards	Truck Terminals

Conditional Uses

Communication Towers (1305.08(b)(14))	Gas Wells (1305.08(b)(23))
Scrap Yards (1305.08(b)(26))	Gas Transmission Lines (1305.08(b)(22))
Heavy Manufacturing (1305.08(b)(27))	Methadone Treatment Facilities (1305.08(b)(19))
Adult Oriented Businesses (1305.08(b)(28))	

**UI - Urban Industrial District**Permitted Uses

Light Manufacturing	Accessory Uses and Structures
Commercial Laundries	Forestry (1305.05(c))

Special Exceptions

Residential

**IOD Industrial Overlay District**  
See Section 1305.07

**Historic Overlay District**  
See Article 1321

**Table 205 - Lot and Yard Requirements**

	<b>S-1 Special</b>	<b>R-1 Residential</b>	<b>R-2 Residential</b>	<b>R-3 Residential</b>	<b>RLB Commercial</b>	<b>C-1 and C-2 Commercial</b>	<b>Industrial</b>	<b>Urban Industrial</b>
Minimum Lot Area (square feet)	43,560	7,500	5,000	5,000	5,000	4,000	10,000	7,500
Minimum Lot Area per Family (square feet)	43,560	7,500	3,500	1,500	1,500	1,000	NA	NA
Minimum Width of Lot (feet)	150	60	40	40	40	20	75	60
Minimum Depth of Front Yard (feet)	35	20	20	20	20	0	30	20
Minimum Width of each Side Yard (feet)	40	5	5	5	0	0	15	15
Minimum Depth of Rear Yard (feet)	30	20	20	20	20	0	0	20
Maximum Height (feet)	45	45	45	45	45	45	45	45
Certain uses that are special exceptions or conditional uses will have other lot density regulations, which will be used in lieu of those set forth by this table.								

(Ord. 3182. Passed 5-26-09.)



**1305.06 LOT, YARD AND HEIGHT REQUIREMENTS.**

The minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, total combined width and minimum width of side yards, maximum height of structures and number of stories, and minimum floor area per dwelling for each district are specified in Table 205.

- (a) Lots of Record: In any district in which one-family dwellings are allowed, any lot of record existing at the effective date of this Ordinance and held in separate ownership different from ownership of adjoining lots may be used and occupied by a single-family dwelling even though its lot area is less than the minimum requirement of this Ordinance, provided all requirements for front, side and rear yards are met.
- (b) Front Yards: In any zoning district where a structure exists on any adjacent lot having a front yard greater or lesser than the minimum depth required, the minimum depth of the front yard for the proposed structure shall be the average depth of the existing structures on either side of the proposed structure. On corner lots, or lots where there is only one abutting structure, the front yard shall be the average setback for the block. (See also subsection (e) hereof)
- (c) Rear Yards: In measuring the depth of rear yards, where the rear lot line is not parallel with the front lot line, or the principal structure, the average dimension may be used.
- (d) Height: Appurtenances to buildings, chimneys, stacks, elevator bulkheads, penthouses, gas or water towers, cooling towers, stage towers or scenery lofts and other necessary mechanical appurtenances, where permitted by Building Code and use regulations, and erected upon and as an integral part of the building, or a monument, shaft, spire, dome, tower, if erected for ornamental purposes only, may be erected or extended above the height limit of the district, provided that any such structure shall set back from the vertical plane of the permitted building line one (1) foot horizontally for each two (2) feet of extra height. Communications towers and antennae are governed by Section 1305.08(b)(14)).
- (e) Corner Lots: Lots that abut more than one (1) street shall provide the required front yard, based upon the front yard orientation of other structures in the block. The yard on the other street will be a side yard.
- (f) Yard Spaces: All structures attached to the principal structure, excluding detached accessory structures, and whether open or enclosed, including porches, carports, attached garages, balconies, and bay windows above grade level, shall comply with all the required front, side and rear yards. In an "R" District, a roof eave or overhang of a roof shall not project more than twelve (12) inches into required yard spaces. For larger overhangs, the building shall be set back accordingly. However, handicap ramps without a roof or enclosed sides are exempt from this rule.
- (g) Intersections: No wall, tree, shrubs or flowers shall create a visual obstruction at City intersections.
- (h) Lot Coverage: Maximum lot coverage by buildings, as indicated in this section, shall not include ground-floor roofless decks and in-ground swimming pools.
- (i) Accessory Structures and Swimming Pools: Small garden sheds, dog kennels, storage sheds and similar accessory structures may be permitted in rear yard areas, provided such structure does not lie closer than five (5) feet to the side lot line or within ten (10) feet of the rear property line. Swimming pools shall be permitted in side or rear yard areas, provided that the pool is located not less than five (5) feet from any lot line.

- (j) Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance, applicable to the principal building.
- (k) Fire Escapes and Other Permitted Projections: Nothing contained in this Ordinance shall prevent the projection of an open fireproof escape or stairway into a rear or side yard for a distance not to exceed four (4) feet.  
(Ord. 3182. Passed 5-26-09.)

### **1305.07 INDUSTRIAL OVERLAY DISTRICT (IOD).**

The Industrial Overlay District (IOD) is a distinct industrial zoning district designation as defined on the Official Zoning Map for the City of Titusville whereby certain dimensional (i.e. lot and yard), bulk and/or projection standards have been relaxed in order to maximize the potential for the timely redevelopment of the area within the IOD. The IOD is not transferable to other zoning districts within the City. The IOD zoning designation may be reduced in whole or in part upon conveyance of the asset(s) to another party at the discretion of City Council.

- (a) Incorporation and Inconsistent Provisions: All provisions of the Titusville Zoning Ordinance shall apply and be incorporated to the IOD except insofar as inconsistent provisions are specifically set forth in this Article, in which case(s) the provisions specifically set forth in this Article shall apply. Whenever any ambiguity occurs in the interpretation of any section of this Article and any other section of the Titusville Zoning Ordinance, that ambiguity shall be interpreted in a manner as to result in the least restrictive application of the overall Zoning Ordinance to the IOD.
- (b) Definitions:
  - (1) "Building" means a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.
  - (2) "Conditional Use" means a use to be allowed or denied by the City Council pursuant to public notice and hearing after review and recommendation by the City of Titusville Planning Commission and pursuant to the expressed standards and criteria set forth in this Ordinance.
  - (3) "Construction" means the construction of a new structure or the complete renovation of an existing structure. Any renovation involving an existing structure shall not be considered construction provided that the renovation does not extend the building beyond its boundaries as existing on the effective date of this Article.
  - (4) "Manufacturing, Heavy" means those manufacturing processes which do not meet the standards outlined for light manufacturing. For purposes of the IOD, Heavy manufacturing, by definition, shall not include:
    - A. Abattoir.
    - B. Animal fertilizer manufacturers.
    - C. Facilities for the incineration, reduction or storage of offal, garbage or dead animals.
    - D. Manufacturer of gunpowder or explosives.
    - E. Fat, lard or tallow rendering.
    - F. Glue, size or gelatin manufacturer.
    - G. Paper and pulp manufacturer.
    - H. Tanneries or rawhide or skin storage.
    - I. Auto wrecking and junkyards.

(c) Fees: The fee schedule adopted by the Council of the City of Titusville, as last amended, or as may hereafter be amended, is hereby incorporated in its entirety.

(d) Permitted Uses (Table).

IOD Industrial Overlay District

Light Manufacturing  
Wholesale activities including Warehousing Facilities  
Truck and Rail Terminals  
Supply Yards  
Research and Testing Laboratories  
Accessory Uses  
Industrial Parks  
Computer Centers; Data Processing Service Center  
Electronic Components and/or Instruments Manufacture  
Artisans and Craft Work Establishments  
Industrial Planned Unit Development and Incubators  
Essential Services

(e) Conditional Uses.

Heavy Manufacturing

(f) Conditional Use Procedures for the Industrial Overlay District.

- (1) Uses permitted by conditional use shall only be permitted when approved by the City Council after recommendations by the Planning Commission and in accordance with the criteria set forth in this Ordinance and as required by the Planning Code, after public hearing, pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- (2) Application: Requests for a conditional use shall be first presented to the Zoning Officer for review by filing an application containing the information required by Section 1305.07, who shall determine whether a variance, special exception or conditional use is necessary.
- (3) Conditions: City Council may approve conditional uses subject to reasonable and appropriate conditions.
- (4) Expiration of Conditional Use: The validity of a conditional use permit shall not exceed six (6) months from the date of authorization and shall expire if the applicant fails to obtain other appropriate permits, and commence work or use as planned and approved.

(g) Conditional Use Standards.

- (1) No uses will involve noxious gas, dust, odor or smoke clearly discernable to neighboring uses or harmful to the public health, safety and welfare of area citizens.
- (2) Standards for Conditional Use: A conditional use permit shall be granted where the following findings are made:

- A. The use is permitted as a conditional use under the terms of the Ordinance.
  - B. The specific criteria, if any, for allowing a conditional use will be met.
  - C. The use conforms with the community and economic development objectives; would be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located; would not be hazardous, disturbing or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.
  - D. The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.
  - E. The use will not involve activities, processes, materials, equipment and conditions of operation that will be materially detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, vibrations, smoke, dust, fumes, electrical disturbances, glare or odors; undue pollution of or danger to the air or water by dust, dirt, fumes, smoke, odor, radioactivity or other polluting substances.
  - F. The use will not create emissions and/or discharges into the air or water, which do not meet government standards.
  - G. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.
  - H. The use will provide through maintenance of setbacks and if required screening by plantings, fencing or other landscape features and effective buffer to block unsightly views and noise from adjacent properties and public roadways.
- (3) If abutting non-industrial uses, the applicant shall present a plan for screening and buffering which will minimize any impact and filter most light and noise.

(h) Special Exceptions.

Business Park  
Public Utility Service Center  
Government Service Center  
Manufacture of Optical and/or Medical Equipment  
Commercial Planned Unit Development  
Drive-In Stores/Shops  
Auto Sales and Repair  
Auto Repair Garages  
Clinics  
Activities involving Printing, Publishing or Bookbinding  
Other Industrial, Fabrication, or Assembly Operations or Ancillary  
Business in support of such operations, similar to and compatible with, the  
permitted uses hereinbefore set forth

(i) Lot and Yard Requirements.

	<u><b>IOD Current Structures</b></u>	<u><b>IOD Construction</b></u>
Minimum Lot Area (Square Feet)	N/A	N/A
Minimum Lot Area Per Family (Square Feet)	N/A	N/A
Minimum Width of Lot (Feet)	N/A	N/A
Minimum Depth of Front Yard (Feet)	0	20 feet from established boundary and structures existing as of (effective date of this section)
Minimum Width of Each Side Yard (Feet)	0	20 feet from established boundary and structures existing as of (effective date of this section)
Minimum Depth of Rear Yard (Feet)	0	20 feet from established boundary and structures existing as of (effective date of this section)

(j) Height Regulations: No structure shall exceed forty-five (45) feet in height above ground level unless approved by the Zoning Hearing Board. The Board may authorize a special exception to the height regulations in the IOD if safety and esthetic concerns are met and the increased height meets and complies with all applicable regulations, ordinances and laws.

(k) Parking: Off-street parking space shall be provided in accordance with the specifications for the Industrial District (Section 1309.02) when any new use is established or existing use is enlarged in the IOD. Alternatives to traditional off-street parking shall be considered in lieu of specified allocations in the Industrial Overlay District. However, all designated off-site parking for the IOD shall not be located more than one thousand (1,000) feet from the district boundaries. (Ord. 3182. Passed 5-26-09.)

### **1305.08 PERMITTED USES WITH CONDITIONS, CONDITIONAL USES AND SPECIAL EXCEPTIONS.**

(a) Criteria. The criteria for Permitted Uses with Conditions, Conditional Uses and Special Exceptions are listed below, with the exception of the IOD District, which is covered by Section 1305.07. In addition to these, the Zoning Hearing Board, in granting special exceptions, and City Council/Planning Commission in considering conditional uses, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. Any specific conditions or requirements for a particular use shall prevail over any less restrictive

general conditions or requirements. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a special exception or conditional use, the Board or City Council (as appropriate) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance. Permitted uses that have conditions attached will be granted or denied by the Zoning Officer based upon the criteria set forth in this section as well as other appropriate sections of this Ordinance. However, the Zoning Officer has no authority to attach any conditions or safeguards.

(b) Specific Uses.

- (1) Residential, Above the First Floor: This use is specifically designed to allow residential uses in the C-1 District on upper floors. In addition to meeting other applicable regulations set forth in this Ordinance, such uses shall:
  - A. Provide for adequate means of ingress for each dwelling unit per City and State codes.
  - B. All such units shall comply with all building, health and safety codes.
  - C. Provide at least five hundred (500) square feet of usable floor space per dwelling unit.
  - D. Provide one (1) parking space for each dwelling unit. Legal on-street parking spaces, along the lots frontage, can be used to satisfy parking requirements.
- (2) Public Utility Substations/Facilities: Such uses are permitted, subject to the following conditions, to allow public utilities to adequately service the City. They shall include structures and aboveground facilities, such as vent pipes.
  - A. Shall be landscaped to present a minimum intrusion upon the neighborhood.
  - B. May be enclosed by a security fence of no more than eight (8) feet, notwithstanding any other section of this Ordinance.
  - C. No outdoor storage shall be permitted.
- (3) Home Occupations:
  - A. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. Note: Home Occupations and No Impact Home-Based Business are separate uses. The following conditions for home occupations shall be observed:
    1. The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one (1) employee per shift who does not reside in the home.
    2. The occupation shall be carried on wholly within the principal structure.
    3. There shall be no exterior display, no exterior sign other than permitted by this Ordinance, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal structure.
    4. No offensive odor and no vibration, smoke, dust, offensive heat or glare shall be produced.
    5. Any retail sales shall consist primarily of items made on the premises. No more than twenty-five percent (25%) of on-premises sales shall be from items not made on the premises.

6. The occupation shall occupy no more than thirty percent (30%) of the principal structure.
  - B. Home occupations may include, but are not limited to, art studios; dressmaking; professional offices of physicians, dentists, lawyers, engineers, architects or accountants; real estate offices; home offices; insurance offices; barbershops and beauty parlors; or teaching. However, a home occupation shall not be interpreted to include auto or internal combustion motor repair/service, woodworking, small motor repair, kennels or restaurants.
- (4) Schools, Hospitals and Nursing Homes:
- A. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
  - B. Shall be located on a public street with a minimum paved cartway of twenty-eight (28) feet.
  - C. The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
  - D. All parking and recreation/play areas that abut residential uses shall be screened. Parking areas can be on site or located within five hundred (500) feet of the hospital, school or nursing home.
  - E. Any outdoor lighting shall be fully shielded to prevent glare to adjoining properties.
  - F. All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates or permits shall be a condition for approval.
- (5) Townhouse Developments:
- A. There shall be no townhouse building consisting of more than six (6) dwelling units.
  - B. The developer shall vary architectural treatments between units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color.

Variety and flexibility in design, layout and arrangement of buildings, parking areas, services, recreational areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is required.

Adequate pedestrian facilities in the form of sidewalks or paved trails to allow safe and convenient access for residents between dwelling units, entrances and parking areas as well as other important destinations, such as mailboxes, recreation facilities or compatible neighboring uses such as retail centers, recreation areas or community facilities is required.
  - C. The horizontal distance between townhouses shall be:
    1. Two (2) times the average height of the townhouses for front or rear walls facing front or rear walls.
    2. One-and-one-half (1½) times the average height for front or rear walls facing side walls.
    3. Equal to the height of the highest building for side walls facing side walls.

- D. The minimum width of any side yard shall be not less than twenty (20) feet.
  - E. Access and service shall be provided in the front of each dwelling unit in the townhouse. Parking will be provided on the lot to the rear of the structure, as carports or garages, as an integral part of the townhouse, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.
  - F. Adequate refuse storage facilities shall be provided.
  - G. Such uses must present proof that all needed permits for sanitary sewage and drinking water have been secured and that these facilities are sized adequately for the proposed development.
- (6) Three- and Four-Family Dwellings: This use shall be for new construction only. For such uses in existing structures, see Conversion Dwellings. Such uses will be allowed only if all the following conditions are met:
- A. Lot sizes as required by Table 205 shall be met.
  - B. These units shall demonstrate they meet all City code requirements for health and safety (i.e. be inspected and approved by the City Code Officer prior to occupancy).
  - C. Side yards shall be at least five (5) feet on each side.
- (7) Bed and Breakfast Inns: Such uses are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:
- A. All signs shall conform to this Ordinance.
  - B. No more than ten (10) guest rooms will be permitted.
  - C. The only meal served shall be breakfast and that shall only be provided to guests.
  - D. The facility shall comply with state law regarding such facilities.
  - E. Legal on-street parking spaces, along the lot's frontage, can be used to satisfy parking requirements
  - F. All other regulations of the City and state shall be met, especially the requirement for an annual inspection by the City Health Inspector.
- (8) Funeral Homes: Funeral homes shall meet the following criteria:
- A. At least twenty (20), paved, parking spaces shall be provided with an additional five (5) spaces for each additional viewing parlor after the first two (2).
  - B. All such uses shall be on a paved street with a cartway of at least twenty-eight (28) feet.
  - C. Legal on-street parking spaces, along the lot's frontage, can be used to satisfy parking requirements
- (9) Rooming/Boarding Homes:
- A. Must meet all City health and safety code requirements.
  - B. May not house more than four (4) roomers/boarders.
  - C. Shall not adversely affect the character of the surrounding neighborhood.



- (10) Personal Care Boarding Homes for Adults and Adult Day Care: The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:
- A. Signs or exterior display indicating the name of the home or its use shall not exceed the size allowed by this Ordinance.
  - B. At least one (1) additional on-lot parking space shall be provided for each two (2) guests for facilities offering overnight or long-term accommodations.
  - C. No home shall have more than six (6) guests at any one time.
  - D. The type of home, along with any required local, county and/or state certifications or licenses shall be presented to the Board.
- (11) Conversion Dwellings: The purpose of the conversion dwellings is to allow for the conversion of older, larger single-family homes into multi-family units. To be allowed to convert from a single-family into duplex or multi-family units, the following criteria must be met:
- A. All dwelling units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
  - B. Each dwelling unit shall have a minimum floor area of seven hundred (700) square feet exclusive of common spaces.
  - C. All required parking shall be accommodated on lot and no parking in the front yard area, between the street and the structure, shall be permitted. Off-site parking, within five hundred (500) feet, may be accepted if a long-term [five (5) year minimum] lease or similar agreement is furnished to the Board.
  - D. All other City codes must be met.
- (12) Ambulance Services: These uses shall:
- A. Provide screening when adjacent to any "R" District.
  - B. Any lighting shall be fully shielded and directed away from any "R" District.
  - C. Street access shall be well marked and approved by the Titusville Police Department.
  - D. Be located only on state-designated traffic routes.
- (13) Professional Offices, Banks, and Medical Clinics:
- A. Access shall be from a street with a pavement width of at least twenty-four (24) feet.
  - B. In the RLB District, all on-lot parking, loading and unloading shall include sufficient maneuvering room so that vehicles will not back onto a public street. Any parking area next to a residential use shall be screened.
  - C. All lighting shall be fully shielded, so arranged to prevent glare to adjoining properties.
  - D. In the RLB district, the total floor area of the principal structure and all accessory uses shall not exceed three thousand (3,000) square feet.
- (14) Communications Towers/Antennas: Communications antennas are a permitted use. Communications towers along with their ancillary equipment are a conditional use.

- A. Antennas mounted on an existing public utility tower, existing building or other existing structure shall be treated as a permitted use subject to the conditions of subsection (b)(14)B. below. Separate standalone towers constructed new shall be treated as conditional uses and referred to the Planning Commission and the City Council for review and approval under subsection (b)(14)C. hereof.
- B. Regulations Governing Communications Antennas and Communications Equipment Buildings:  
Building-mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.  
Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.  
Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.  
A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.  
The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- C. Standards for Communications Towers as Conditional Uses:  
The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.  
The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.  
Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.  
Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter ( $\frac{1}{4}$ ) mile radius of the proposed communications tower site shall be contacted and that one or more of the following reasons for not selecting such structure apply:
1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
5. A commercially reasonable agreement could not be reached with the owners of such structures.

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the zoning district.

Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

In all zoning districts, the maximum height of any communications tower shall be one hundred fifty (150) feet.

The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential district at least one hundred (100) feet and shall in any other district be set back from any other property line (not lease line) at least fifty (50) feet.

The base of a communications tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.

The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

The applicant shall submit certification from a Pennsylvania-registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the City of Titusville Building Code.

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.

All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

Communications towers shall be protected and maintained in accordance with the requirements of the City of Titusville Building Code.

If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

One (1) off-street parking space shall be provided within the fenced area.

- (15) Day Care Facilities, All Types: The purpose of this subsection is to set forth standards for the three types of day care covered by this Ordinance (see Definition section also).

A. Family Day Care Homes:

1. Such operations must obtain any permits/certificates required by the State.
2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).

B. Group Day Care Homes:

1. Such operations must obtain any permits/certificates as required by the state.
2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).
3. Outdoor play areas shall be effectively screened from nearby residential uses through fencing.
4. At least one (1) additional parking place shall be required.
5. The operator shall demonstrate how children shall be dropped off and picked up considering their safety and the safety of other pedestrian and vehicular traffic in the area.

- C. Child Day Care Centers:
  - 1. Any outdoor play area shall be effectively screened from abutting properties using fencing.
  - 2. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how the pick up and delivery of children shall occur in a safe manner.
  - 3. One (1) parking space for each employee shall be required.
  - 4. Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.
- (16) Public Parking: Off-street parking will be allowed in the RLB District with the following restrictions:
  - A. Lots will be paved.
  - B. Surface water shall be disposed of in accordance with City ordinances and regulations.
  - C. Side and rear lot lines shall have screening (see Definitions).
  - D. Any yard that fronts on a public street shall have a landscaped area three (3) feet wide.
- (17) Convenience Stores:
  - A. Any fuel pumps shall be at least thirty (30) feet from the front lot line and thirty (30) feet from each side lot line.
  - B. No vehicle will be parked or stored along the front lot line except on a short-term basis [less than twelve (12) hours].
  - C. Any lot line abutting a residential use or district shall provide appropriate screening. Such screening shall be at least ten (10) feet high.
  - D. Canopy structures shielding gasoline pumps shall be no closer than twenty (20) feet from the front lot line or may follow the average setback of the structures adjacent on each side and twenty (20) feet from each side lot line.
  - E. Any outdoor mechanical or refrigeration equipment shall be muffled to minimize noise.
- (18) Hotels and Motels: Such uses shall:
  - A. Present proof that all plans for the construction/development of the facilities have been approved by the Pennsylvania Department of Labor and Industry.
  - B. Be constructed in accordance with applicable building codes.
  - C. Have a lot of at least one-half (½) acre.
  - D. All rear and side property lines shall have screening as defined by this Ordinance.
- (19) Methadone Treatment Facilities\* shall follow the following regulations:
  - A. They shall not be any closer than five hundred (500) feet from any school, public park or playground, residential housing, childcare facility, church or place of religious worship.
  - B. Shall be licensed by the Pennsylvania Department of Health.

\*See also Section 621 of the Planning Code.

- (20) Assisted Living Facilities: These facilities shall:
- A. Provide off-street parking for employees equal to .8 spaces per person of the largest shift.
  - B. Provide off-street resident/visitor parking at .5 spaces per resident.
  - C. Provide reasonable access for deliveries and emergency vehicles to a paved street.
  - D. Show evidence of state licensing.
- (21) Development in Steep Slope Areas: As developments in the S-1 District are apt to be on steep slopes, permits for any proposed construction shall show the percentage of slope. Any slopes identified as steep slope by this Ordinance shall comply with Section 1309.08.
- (22) Gas Transmission Lines.
- A. The line operator shall file copies of all needed permits with the Zoning Officer.
  - B. The line operator shall file a construction plan as well as copies of any "as-built" drawings with the Titusville Fire Department.
  - C. The name and telephone number of a twenty-four (24) hour emergency contact of the line operator shall be filed with the Titusville Fire Department.
  - D. The line operator shall provide the City with twenty-four (24) hour written notice prior to the initiation of any construction activities and prior to the initiation of the use of the line.
- (23) Gas and Oil Wells: The following criteria are required and needed documentation will be presented to the Zoning Officer or the Titusville Fire Department, as appropriate:
- A. The well operator shall present to the Zoning Officer a copy of an approved gas well permit from the Pennsylvania Department of Environmental Protection. Said permit must be available at the public hearing.
  - B. The well operator shall present a map clearly showing the location of the proposed well.
  - C. The well operator shall inform the City, by letter, at least twenty-four (24) hours before the initiation of drilling activities.
  - D. The well operator shall annually file with the City a report on the status of the well, active or inactive.
  - E. If the well is plugged, a copy of the needed permit or authorization from the Pennsylvania Department of Environmental Protection shall be delivered to the Zoning Officer.
  - F. The name of a twenty-four (24) hour emergency contact for the well operator shall be filed with the Titusville Fire Department.
- (24) Cemeteries: Cemeteries are subject to the following standards and criteria:
- A. A minimum site of five (5) acres shall be required.
  - B. A drainage plan shall be submitted with the application for approval to show existing and proposed runoff characteristics.
  - C. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads. Plans for ingress/egress shall be to paved roads of at least twenty-four (24) feet in width.
  - D. All property lines adjoining residential uses shall have screening as defined by this Ordinance.

- (25) Service Garages, Gasoline Service Stations: These uses are subject to the following express standards and criteria:
- A. Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
  - B. Gasoline pumps shall be located no closer than thirty (30) feet to any property line.
  - C. No building, stand, oil rack or other apparatus, other than that which is necessary for quick service to an automobile, shall be located within thirty (30) feet of any street line.
  - D. Canopies over gasoline pumps shall not be located closer than twenty (20) feet to any property line or street right-of-way line.
  - E. There shall be no storage of any wrecked or dismantled vehicle outside a building for longer than one (1) week.
  - F. In addition to parking spaces required by Section 1309.02(b), adequate vehicle maneuvering areas shall be provided outside the building, which shall have an all-weather surface.
  - G. All property lines adjoining residential uses or zoning classifications shall have screening by a buffer area as defined by this Ordinance, which is at least six (6) feet in depth measured from the property line.
- (26) Scrap Yards: Scrap yards shall comply with the following requirements:
- A. All lots shall be at least two (2) acres in size and located at least three hundred (300) feet from any "R" or RLB District.
  - B. There shall be no storage of scrap, machinery or equipment of any kind in areas visible from the surrounding properties or a public road.
  - C. All yard spaces shall be at least fifty (50) feet wide.
  - D. The processing or storage of hazardous materials, as the same are defined by the Department of Environmental Protection, shall not be permitted.
  - E. The facility shall provide a fence around the premises at least eight (8) feet in height, constructed to block the line of sight and be set at least ten (10) feet back from any yard line.
- (27) Heavy Manufacturing: Heavy manufacturing shall meet the following performance standards:
- A. All needed permits from federal or state environmental agencies shall be identified and presented.
  - B. Noise: The sound pressure level of any industry abutting upon a residential or commercial district shall not exceed the decibel limits in the octave bands designated in the following table:

Octave Frequency (Cycles per Second)	Decibel Limits Along Residential District Boundaries	Decibel Limits Along Businesses or Commercial District Boundaries
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

- C. Vibration: No vibration shall be generated which can be detected by a normal person at the district boundary.
- D. Glare: Lighting, or such activities as welding, shall be shielded from any residential use or district.
- (28) Adult Oriented Businesses: Shall present proof of current and valid licensing by the City of Titusville.
- (29) Colleges/Universities: College/university uses are a welcome addition to Titusville. Such uses shall:
  - A. Provide parking for students as follows:
    - 1. For commuter students, 1 planned space for every 1.2 student
    - 2. For students living on campus, 1 space per student
  - B. Faculty and staff parking, one space per employee
  - C. Parking can be on lot or provided up to five hundred (500) feet from college/ university buildings
  - D. Parking lots that border residential uses shall have screening, as defined in this Ordinance.
  - E. Provide pedestrian facilities, open space and greenways.
- (30) Shopping Centers: This regulation will apply to retail shopping developments with twenty thousand (20,000) square feet, or more, of gross floor area, or to any additions to existing shopping centers of that size.



- A. A site plan prepared by a registered architect or engineer shall be submitted for all such uses. This site plan shall contain:
    - 1. The intended development with dimensions, building footprints and proposed use(s).
    - 2. Utilities and drainage plan.
    - 3. The outdoor lighting plan (see subsection (b)(30)D. below).
    - 4. The parking lot plan (see Section 1309.02(b)) of these regulations and subsection (b)(30)B. below
  - B. All property lines which abut residential districts or pre-existing residential uses shall maintain both of the following buffer yard types:
    - 1. A twenty (20) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard.
    - 2. A screening yard of spruce, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.
  - C. Planting Standards: At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as measured from the ground. The Zoning Officer may inspect plantings as necessary. Trees that have died shall be replaced as needed.
  - D. Lighting: Any lighting used to illuminate buildings, parking or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use. Full-shielded light fixtures will be used.
  - E. All retail businesses of twenty thousand (20,000) square feet or greater, shopping centers and eating and drinking places shall submit a plan for traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, if appropriate. As a part of the approval process, the developer shall agree to permit the interconnection of future abutting parking lots to the property and make such necessary improvements.
- (31) Gallery Overlay District: In an effort to encourage and provide for flexibility in the use of the City's wealth of older, architecturally significant homes located in its medium-density residential district (R-2), a Gallery Overlay District has been created to allow for the development of art studios, music studios and other historical, cultural and/or arts-related uses in the area. The uses shall meet the following criteria:

- A. Any home that is used for a gallery use shall be occupied as a legal residence by either the owner and/or his tenant(s).
  - B. Gallery uses shall include art studios, and businesses featuring handcrafted, cultural, or art-related items, as well as other related uses, as specified above.
  - C. The gallery use shall only be located on the first floor of the residence.
  - D. A minimum of one (1) off-street parking space shall be provided for customers of the gallery business.
  - E. There shall be no more than one (1) outside employee per shift allowed to work on the premises, other than a family member living in the gallery residence.
  - F. No exterior modifications shall be made to the gallery residence that will change the historic and residential nature of the home.
  - G. One (1) sign no larger than six (6) square feet may be installed on the property designating the gallery use, which shall adhere to the standards listed in Section 1309.03(e), a rendering of which shall accompany the application for the special exception under this section.
  - H. Any retail sales shall consist of items made primarily by the resident.
  - I. The gallery use shall not cause undue intrusion on the neighborhood, including traffic, noise, or other disturbances.
  - J. Gallery public business hours shall not operate before 8:00 a.m. or after 9:00 p.m.
  - K. Legal on-street parking spaces, along the lot's frontage, can be used to satisfy parking requirements
- (32) Two-Family Dwellings: In the R-1 District, such uses shall:
- A. Comply with Table 205 relative to lot sizes.
  - B. Side yards shall be increased to ten (10) feet for each side.
- (33) Places of Assembly. Such uses complement other activities in commercial and industrial districts and as such uses involve the gathering of groups of people within a building or structure, certain reasonable conditions and criteria are in the best interest of the public:
- A. Evidence of compliance with the City's Building Code shall be provided to the Zoning Officer prior to occupancy.
  - B. Fire and safety provisions shall be adequate to meet state and local requirements.
  - C. Evidence of all permits required by the Commonwealth of Pennsylvania, Department of Labor & Industry shall be provided to the Zoning Officer prior to occupancy.
  - D. A plan demonstrating two points of egress shall be provided to the Zoning Officer. This plan shall be submitted by the Zoning Officer to the Titusville Fire Department for its review, approval, comment or modification.
  - E. Points of ingress and egress to the building or facility shall be well lighted for safe ingress and egress of invitees.
  - F. New exterior light fixtures shall be full cutoff.
  - G. Exterior signage shall comply with Section 1309.03(c).

- H. Place of assembly may contain accessory uses, such as the sale of merchandise, or the provision of child care services; provided, however, that the accessory use must be accessory within the meaning of Article 1325, such that the portion(s) of the building or buildings dedicated to the accessory use or uses must be collectively less than fifty percent (50%) of the gross floor area of the primary use and the accessory use or uses must generate less than twenty percent (20%) of the gross receipts of the primary use. Any accessory use that exceeds these requirements is deemed to constitute a separate primary use and shall comply with all ordinance requirements related to the use.
- I. Except in the C-1 Commercial Zoning District, parking shall be in accordance with Section 1309.02(b). Places of assembly that have regular or occasional events that cause an influx of traffic during peak traffic times during the work week (7 a.m. to 9 a.m. and 3:30 p.m. to 5:30 p.m. - prevailing time) in the C-1 Commercial Zoning District shall be required to provide traffic controls or pedestrian controls as may be necessary to minimize traffic congestion during peak a.m. and p.m. hours and unsafe traffic and pedestrian conditions. (Ord. 3182. Passed 5-26-09.)



## ARTICLE 1309 General Regulations

- 1309.01 Nonconforming uses and nonconforming structures.**
- 1309.02 Off-street loading and parking.**
- 1309.03 Signs.**
- 1309.04 Fencing.**
- 1309.05 Swimming pools.**
- 1309.06 Junk.**
- 1309.07 Satellite discs and dishes.**
- 1309.08 Steep slopes.**
- 1309.09 Temporary structures/portable storage units.**
- 1309.10 Dumpsters.**
- 1309.11 Helipads.**
- 1309.12 Outdoor furnaces.**
- 1309.13 Residential wind turbines.**

### CROSS REFERENCES

Administration and enforcement - see ZON. Art. 1313  
Definitions - see ZON. Art. 1325

### **1309.01 NONCONFORMING USES AND NONCONFORMING STRUCTURES.**

The following provisions shall apply to all nonconforming uses and nonconforming structures, including signs:

- (a) Nonconforming Uses of Land. The lawful use of land existing at the time of the enactment of this Ordinance, or of an amendment thereto, not involving any principal and/or accessory structure, although such use does not conform to the provisions of this Ordinance, may be continued, provided that no such nonconforming use of land shall, in any way, be expanded, extended, or moved in whole or in part to any other portion of the lot of record, except in conformance with Section 301.31. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
- (b) Nonconforming Uses of Structures: The lawful use of a structure existing at the time of the enactment of this Ordinance, or of an amendment thereto, although such use does not conform to the provisions of this Ordinance, may be continued and such use may be extended throughout the building provided that such extension of use does not displace a use conforming to the district designated by this Ordinance. In any district, a legal, nonconforming use may be changed to a use of the same or a more restrictive zoning district. Any request for the expansion of a non-conforming use shall follow subsection (e) hereof.
- (c) Abandoning Nonconforming Use. Whenever a nonconforming use of land or of a structure, or a portion thereof, has been abandoned for a period of one (1) year, it shall not again be used except in conformity with the regulations of the district in which such structure is located.

- (d) Nonconforming Structures: A structure (including a sign) existing at the time of the enactment of this Ordinance or of an amendment thereto, although such structure does not conform to the lot and yard requirements of this Ordinance, may be continued in use, provided no major structural alterations are made to the nonconforming portion of the structure other than those ordered by an authorized public officer to assure the safety of the structure. This provision is not intended to prevent maintenance or repair to a structure as long as it does not expand its existing configuration. If such nonconforming structure should be destroyed by any means, a permit for its reconstruction shall be issued provided application for permit for such reconstruction is made within one (1) year from date of such destruction.
- (e) Expansion of Nonconforming Uses or Structures: A nonconforming use or structure may be moved, enlarged or increased only on land on the same lot as qualified as nonconforming on the effective date of this Ordinance or amendment thereto. In allowing the expansion of a nonconforming use, the restrictions that use is subject to by this Ordinance, such as buffering, landscaping, or parking, shall be applied. In addition, the setback and height regulations of the district wherein the use is located shall be observed.
- (1) For a change of use, the use is to be of the same or of a more restrictive zoning district.
  - (2) The use will be less potentially injurious to the health, safety and welfare of a residential neighborhood based, at a minimum, on the following criteria:
    - A. The amount of traffic, truck and automobile, which the proposed use can be expected to generate based upon objective information relative to similar uses.
    - B. Late-night (after 11:00 p.m.) or early (prior to 7:00 a.m.) and all-night operations shall be regarded as injurious.
    - C. The intensity of use as measured by the number of employees, potential noise and possible equipment vibration.
- (f) Certificate of Nonconformance: The owner of a nonconforming use or structure may request a certificate of nonconformity from the Zoning Officer. If the Zoning Officer is unable to determine the validity of the nonconformity request, then the request will be deemed to be denied and the request will be referred to the Zoning Hearing Board. (Ord 3182. Passed 5-26-09.)

### **1309.02 OFF-STREET LOADING AND PARKING.**

Off-street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

- (a) Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size:
- (1) Off-Street Loading Space Requirements.

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Commercial:		
Wholesale	20,000	50,000
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel/Motel	20,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area (GFA) for each listed use.

- (2) Size and Access: Each off-street loading space shall be not less than fourteen (14) feet in uniform width and sixty (60) feet in length with fifteen (15) feet of vertical clearance. It shall be designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading spaces shall not be located in the required front yard.

Loading spaces for vehicles over a two (2) ton capacity shall be located at least thirty (30) feet from any property line adjoining a residential use or zoning classification. All loading spaces located along a property line adjoining a residential use or zoning classification shall have screening.

- (b) Off-Street Parking: For all uses, each parking space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street (see subsection (c) hereof).

Off-street parking spaces shall be provided for any new use hereafter established or for the enlargement of any existing use as follows, except in the C-1 Commercial District, where non-residential uses are not required to provide parking or loading facilities:

<u>Use</u>	<u>Parking Spaces Required</u>
Home Occupation	1 per employee
Dwellings	1 per dwelling unit
Dormitories	1 per bed
Elderly Housing	.5 per dwelling unit
Churches and Places of Assembly	1 per 4 seats in principal assembly room
Schools	.25 for each planned student over the age of 16, plus 1 for each employee
Hospitals, Nursing Homes	1 per 2 beds*
Eating and Drinking Places, Commercial Recreation	1 per 100 square feet of floor area
Banks, Retail Businesses	1 per 250 square feet of floor area
Personal Services	1 per 200 square feet of floor area
Day Care Facilities	1 per 200 square feet of floor area
Bowling Alleys	5 per bowling lane
Funeral Homes	20 per the first viewing parlor, 5 for each additional parlor
Professional Services, Business Services, Offices	1 per 500 square feet of floor area
Medical Clinics/Doctor's, Dentist's Offices	5 per doctor*
Wholesale Businesses	1 per 500 square feet of floor area
Convenience Stores	1.5 per pump
Hotels and Motels	1 per rentable unit*
Boarding/Rooming Homes	1 per rentable unit, plus 1 per dwelling unit
Manufacturing, Other Uses	1 for each employee on the principal shift, plus ½ of a space for each 1,000 square feet of floor area
Auto Sales and Service	1 per 250 square feet of floor area
Service Stations	1 per 250 square feet of floor area



\*These uses will also provide parking for staff, based upon 1 space for each 1.25 employees of the maximum working shift.

Where the use of the premises is not specifically mentioned, or specific parking needs listed elsewhere in this Ordinance, the requirement for similar uses shall apply. If no similar uses are mentioned, the parking requirement shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure.

For lots with multiple uses, the required parking shall equal the total for each use.

Change of Use: If a use is legally changed to another use, the new use will not be required to provide additional parking, if the existing structure is used. For new construction, appropriate parking requirements will be used.

- (c) Parking: Additional requirements:
  - (1) Parking and driving areas shall be graded to shed surface water to a street, alley or public stormwater system.
  - (2) Any parking area of three (3) or more spaces adjoining a residential use shall have screening (see definition) from the residential area.
  - (3) Any parking area containing lighting shall use full-shielded lighting designed in such a way as to not cause glare on adjoining properties.
  - (4) Any parking area of over fifty (50) spaces shall contain a perimeter screen and site landscaping of at least five percent (5%) of the total lot.
  - (5) Parking areas adjacent to a street shall have between the street right-of-way and the parking area a planting strip five (5) feet in width and with a tree planted every fifty (50) feet of lineal frontage. Breaks may be permitted for entrances and exits with no greater combined breaks with a width greater than twenty (20) feet per each fifty (50) lineal feet.
- (d) Location of Parking: Where there is inadequate land on site to meet the off-street parking requirements, off-street spaces within five hundred (500) feet of the site may be used, with adequate documentation of long-term commitment, to meet the parking requirements.
- (e) Stacking Requirements for Drive-In, Drive-Through Facilities: This section provides vehicle standards for drive-in, drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimal stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relates to typical automobiles. A length of twenty (20) feet per auto will be used to accommodate one (1) vehicle and minimal headspace. Minimum stacking lane width is nine (9) feet.

<u>Use</u>	<u>Stacking Capacity Per Drive-In Window</u>
Restaurant	8* per drive-in window
Bank	5 per drive-in window
Car Wash	4 per wash bay

\*If there are separate order and pickup windows, four (4) for each shall be accepted.

For other uses, guidelines for the Institute of Transportation Engineers may be used or the written recommendations of a professional engineer.

Note: Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way.

(f) Parking Areas and Curb Cuts:

- (1) In commercial and industrial areas, public access to a lot shall be located at specific, limited areas. For a single lane of traffic to exit or enter a parking area, a single lane of twelve (12) feet wide (measured at the property line) shall be permitted. For combined entrance/exit driveways up to twenty-two (22) feet wide (measured at the property line) shall be permitted. The line of sight for autos exiting parking areas shall adhere to the sight triangle requirements of the City's Subdivision and Land Development Ordinance, or at least two hundred twenty-five (225) feet. For passenger cars, driveway radius shall be ten (10) feet. For parking areas for combination trucks, the radius shall be at least thirty-five (35) feet. Driveways using medians designed for fifty (50) autos or more shall follow PennDOT design standards (Title 67, Chapter 441). There shall be at least fifty (50) feet between driveways and at least thirty (30) feet from a driveway to any corner radius.
- (2) In all R zones, driveways shall be not less than ten (10) feet wide nor more than twelve (12) feet wide. Driveways shall connect to garages or back-yard areas. Parking shall be allowed in driveways but in no other area of the front yard. Curb cuts in residential areas shall be limited to one (1) per street frontage or for each fifty (50) feet of lot frontage, but in no event more than twenty-five percent (25%) of any lot frontage.  
(Ord. 3182. Passed 5-26-09.)

**1309.03 SIGNS.**

All signs, billboards, outdoor advertising, or exterior graphic displays, including portable signs, shall conform to the following standards. Unless otherwise noted, all signs shall require a permit issued by the Zoning Officer.

(a) General Regulations. The following sign regulations shall be observed in all districts:

- (1) The following signs shall be permitted in all districts, and no permit shall be required to erect such signs:
  - A. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event. Signs shall be allowed for no longer than a 90 day period.
  - B. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet, and provided that such sign shall be removed upon completion of the work. Signs will be allowed for no longer than a six (6) month period. Once construction is complete, the sign shall be removed.

- C. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- D. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed six (6) square feet.
- (2) No signs shall be permitted within street lines, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.
- (3) Directional and information signs, not exceeding four (4) square feet in area, per use, premises or establishment, and used for the direction and protection of the public, shall be permitted in all non-residential districts.
- (4) The height of freestanding signs from curb level to the top of the sign shall not exceed fifteen (15) feet in all areas except commercial districts where they may extend to twenty-five (25) feet in height.
- (5) In residential districts, permitted signs will be allowed in the front yard, but must be at least ten (10) feet behind the front property line. In commercial districts, signs may be permitted up to the front yard line except where such signs would interfere with pedestrian or traffic visibility. Signs shall not project over or onto any public right-of-way.
- (6) Signs may be lighted with non-glaring lights, or may be illuminated by shielded floodlights.
- (7) All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
- (8) Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- (9) Political Signs: Such signs shall be permitted in all districts.
- (b) Residential Districts. In residential districts, the following signs shall be permitted:
  - (1) Home occupations and no impact home-based businesses are allowed a wall, freestanding or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed six (6) square feet and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line.
  - (2) Sign, bulletin board, announcement board or identification sign for schools, colleges, universities, churches, hospitals, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services; provided that the area of any such sign shall not exceed twenty (20) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

- Signs directing patrons, members or audiences to temporary exhibits, shows or events, provided that such sign shall not exceed six (6) square feet; shall be removed within one (1) week after the date of the exhibit, show or event; and shall not be posted earlier than one (1) day before the date of the exhibit, show or event.
- (3) For multiple dwelling complexes, one (1) sign, not to exceed six (6) square feet per building, shall be permitted identifying the name, address and telephone number of the owner or manager. In addition, one (1) sign that exclusively identifies the multiple-unit dwelling complex by its commonly known name, said sign not to exceed twenty (20) square feet, shall be permitted. Any such signs shall be no closer than ten (10) feet for the front lot line (see also Development Signs, subsection (a)(1)B.).
- (c) Commercial Districts. In commercial districts, the following signs shall be permitted:
- (1) Signs directing patrons, members or audiences to temporary exhibits, shows or events, provided that such sign shall not exceed six (6) square feet; shall be removed within one (1) week after the date of the exhibit, show or event; and shall not be posted earlier than two (2) weeks before the date of the exhibit, show or event.
- (2) Wall Signs: Wall signs, provided that the total of such signs shall be limited to one-and-one-half (1½) square feet for each lineal foot of horizontal building facade length. These signs may be illuminated or non-illuminated. Wall signs shall be allowed on all building frontages. Such signs shall not extend more than twelve (12) inches from the main wall of the building and may be permitted to extend over the public right-of-way with at least ten (10) feet of clearance.
- (3) Special temporary promotional devices, signs or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed ninety (90) consecutive days. (See subsection (a)(1)A.)
- (4) Pole Signs: May be illuminated or non-illuminated. The area per sign face shall not exceed fifty (50) square feet in surface area per face. No more than two (2) sign faces shall be permitted. There shall be at least twelve (12) feet of clearance between ground level and the bottom of the sign face.
- (5) Ground Signs: Shall not exceed twenty (20) square feet in size and may be illuminated or non-illuminated.
- (6) Shopping Centers (Multi-Tenant Identification Signs): One (1) directory-type sign shall be permitted for a shopping center which identifies the name of the shopping center and the tenants of the facility. Such a sign shall not exceed sixty (60) square feet in overall size per sign face. In addition, up to twelve (12) square feet for each tenant name may be used on the directory sign. Tenants will be allowed signs on, or in the shopping center in accordance with subsection (c)(2) above, Wall Signs.
- (7) Multi-Tenant Building: Where more than one (1) tenant exists in a building, each tenant shall be allowed a sign. Such a sign shall not exceed twenty-four (24) square feet in overall size per sign face.
- (8) Projecting Signs: In the commercial area, overhead signs shall be permitted. Signs attached to a wall which project in such a manner that the faces of the sign form an angle of approximately ninety degrees (90°) with the wall shall be permitted in commercial districts, subject to the following regulations:

- A. Such signs shall not project more than six (6) feet from the wall.
  - B. Only one (1) such sign shall be permitted per business.
  - C. Such sign shall be non-glaring and non-moving, but may be lighted.
  - D. There shall be a minimum height from the curb level to the bottom of the sign of twelve (12) feet.
  - E. The sign shall have a maximum area of sixteen (16) square feet on each face.
- (9) Sidewalk Signs: Properties located within the C-1 and C-2 Districts may display sidewalk signs under the following provisions:
- A. One (1) sidewalk sign is permitted for each business.
  - B. Sidewalk signs may be displayed only during the business's hours of operation.
  - C. The maximum size of each display face of a sidewalk sign is seven (7) square feet.
  - D. There must be at least four (4) feet of clear sidewalk for pedestrians.
  - E. Signs may be up to forty-two (42) inches high and two (2) feet wide.
- (10) Electronic Signs: This section regulates the use of electronic signs within the City to minimize the impact of such signs that may distract drivers and be detrimental to the neighboring properties, and to limit the aesthetic impact that a proliferation of electronic signs could have on City properties. They may be used according to the following provisions:
- A. Each message displayed on an electronic sign must be static or depicted for a minimum of eight (8) seconds and the screen must completely fade out before a new message is displayed.
  - B. There shall be no more than one (1) second between messages.
  - C. Each complete message must fit onto one (1) screen (i.e., no scrolling or incomplete messages permitted).
  - D. The sign shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.
- (d) Industrial District. In the Industrial District, advertising signs and business signs are permitted provided that such signs shall not exceed an aggregate area of three hundred (300) square feet. Such signs shall be set back from the front lot line at least thirty (30) feet. Advertising signs (Billboards) will be allowed in the Industrial District, subject to the size limit of three hundred (300) square feet and the setback requirement of thirty (30) feet from the front lot line and yard setbacks shall be observed.
- (e) Gallery District:
- (1) General Provisions. It is important to recognize the value of well-designed signs that will identify those goods and services permitted for gallery uses, as well as complement the visual character and harmony of the historic structures. All signs must be directly related to businesses, services, or products offered within the premises. Signs unrelated to the property on which they are to be located, with the exception of temporary signs, public information, emergency notices, and other signs specifically identified in this Zoning Ordinance, will not be approved.
  - (2) Criteria Regulations and Standards. The following criteria, regulations, and standards shall apply to all signage installed in support of permitted gallery businesses:

A. Sign Materials:

Generally Acceptable	Generally Not Acceptable
Painted Wooded Signs	Plastic or back-lighted signs
Hand-carved wood	Plastic letters
Carved or sandblasted stone	Foam letters
Sandblasted wood	Posters, cardboard
Wrought iron	
Gold leaf and screen print (windows)	
Metals such as polished brass/bronze	

B. Mounting and Placement:

1. Signs shall be mounted or erected so they do not obscure the features or openings of a building.
2. Off-premises signs are prohibited.
3. No signs or portion of a sign shall extend above the cornice line at the top of the building. Rooftop signs are prohibited.

C. Design:

1. The overall design of all signage, including the mounting framework, shall relate to the design of the principal building on the property. Buildings with a recognizable style such as Greek revival, Italianate, Victorian, Queen Anne, Neo-classic, Craftsman, etc., should use signage of the same style.
2. For buildings without a recognizable style, the sign shall adopt the decorative features of the building, utilizing the same materials and colors.

D. Size:

1. The size of the sign shall be in proportion to the structure and the neighboring structures and signs.
2. The total maximum allowable sign area shall be nine (9) square feet.

E. Lighting:

1. Internally lit signs are prohibited.
2. Lighted signs shall use focused, low-intensity illumination. Such lighting shall not shine into or create glare at pedestrian or vehicular traffic, nor shall it shine into adjacent areas. Landscaping shall screen light fixtures mounted on the ground.

- (f) Signs in the RLB District: This district is designed for residential use with low-impact commercial activities. Generally, lot signs are limited in this district. Consequently, signs are limited.

- (1) All signs permitted in any "R" District are permitted.
- (2) All signs shall be behind the front property line.

- (3) Regardless of placement, no sign shall visually impede the sight distance of drivers along any street.
- (4) Signs may be freestanding, projecting or attached flat to a structure.
- (5) For a single-face sign, a sign area of sixteen (16) square feet is permitted. For a two-face sign, up to eight (8) square feet of sign area per side is allowed.
- (6) No sign shall exceed fifteen (15) feet in height.  
(Ord. 3182. Passed 5-26-09.)

#### **1309.04 FENCING.**

All fences require a permit. Any fence, hedge or enclosure in an R District within required front yard space shall not exceed a height of three and a half (3 ft. 6 in.) feet. The required front yard space shall be considered as that space between the front of the structure and the front lot line or the minimum front yard set back for the zoning district, whatever is less. If located within five (5) feet of a driveway where the driveway intersects a front property line, or if located within fifteen (15) feet from a point where two (2) front property lines intersect, it shall not exceed a height of three (3) feet above the top of the curb. If a fence has a finished or faced side, that side shall be to the exterior of the lot. Fences in rear and side yards shall not exceed six (6) feet in height. In the S-1 Zone, fences of twelve (12) feet in height will be allowed if required for recreational activities. In the I-Industrial and IOD Districts, fences may be twelve (12) feet in height. (Ord. 3182. Passed 5-26-09.)

#### **1309.05 SWIMMING POOLS.**

Swimming pools for home use shall be located in rear yards. Pools shall be surrounded by a fence or barrier four (4) feet in height and gates are to be self-closing and self-latching. Barriers, fencing and related items shall conform to the "Safety Barrier Guidelines for Home Pools," as published by the U.S. Consumer Product Safety Commission.  
(Ord. 3182. Passed 5-26-09.)

#### **1309.06 JUNK.**

The visible storage or placement of junk is not permitted in any residential district.  
(Ord. 3182. Passed 5-26-09.)

#### **1309.07 SATELLITE DISCS AND DISHES.**

Satellite discs and dishes are permitted in all districts in the rear or side yard of lots. Satellite discs and dishes that are two (2) feet in diameter or less are permitted on the roof or rear or side walls of a building. (Ord. 3182. Passed 5-26-09.)

#### **1309.08 STEEP SLOPES.**

(a) Determination: Development plans shall show the location of existing steep [twenty-five percent (25%) or greater] slope areas. These areas may be delineated from twenty (20) foot contours taken from U.S. Geological Survey topographic maps. If this source is considered inaccurate or inappropriate by the City, or a greater level of detail is necessary, a field survey compiled by a registered land surveyor, engineer, landscape architect or geologist may be required.

(b) Protection Requirements:

- (1) Erosion and Sedimentation Control Plan: An erosion and sedimentation control plan shall be required prior to disturbance of a steep or severe slope area in excess of two thousand (2,000) square feet.
- (2) Soil Stability Analysis: A soil stability analysis shall be performed by a professional soil scientist prior to the disturbance of steep slope areas in excess of two thousand (2,000) square feet which have highly erodible and/or unstable soils, and for disturbance of all slope areas in excess of two thousand (2,000) square feet. This analysis shall evaluate the potential impact of the proposed development upon the stability and integrity of the slope, and include mitigation techniques. Severe slopes shall not be developed unless an architecturally sound supporting structure is provided for all development. (Ord. 3182. Passed 5-26-09.)

**1309.09 TEMPORARY STRUCTURES/PORTABLE STORAGE UNITS.**

(a) Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. They shall be removed when construction is complete. Permits for temporary structures shall be issued for a one (1) year period. Temporary structures are subject to setback requirements.

(b) Portable Storage Units are intended for the temporary storage of household goods during moving or remodeling. Units must be placed off the public right-of-way and set back at least fifteen (15) feet. The use of trailers, either former mobile homes or semi-rigs, for storage is not permitted in any district in the City, except C-1, C-2 and I. The City shall issue permits for such units on a thirty (30) day basis with up to one (1) thirty (30) day renewal. After that time, the unit will be regarded as a structure. They shall be placed on a permanent foundation, shall meet all yard requirements of this Ordinance and be inspected for conformance with the uniform Construction code. If not in conformity with that code, they shall be brought into compliance or such structures will be considered in violation of this Ordinance. (Ord. 3182. Passed 5-26-09.)

**1309.10 DUMPSTERS.**

Permanent placement of dumpsters shall be allowed in the C-1, I, R-3, RLB and IOD Districts only. They shall be enclosed by an opaque fence and an opaque gate sufficient in height to effectively screen the dumpster. Enclosures shall be compatible with the principal structure and shall maintain one hundred percent (100%) opacity on all three sides with a gate on the fourth side. Trash collection areas shall be located on rigid pavement surfaces and designed to prevent accumulation of stormwater runoff. The temporary use of dumpsters for demolition or construction purposes will be allowed in any district for up to one (1) month but a permit must be obtained from the Zoning Officer. (Ord. 3182. Passed 5-26-09.)

**1309.11 HELIPADS.**

Helipads are subject to the following express standards and criteria:

- (a) Helipads shall be permitted only when an accessory use to hospitals or industrial parks.
- (b) Evidence of compliance with all applicable regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation shall be submitted.



- (c) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate same.
- (d) The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- (e) An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure. (Ord. 3182. Passed 5-26-09.)

#### **1309.12 OUTDOOR FURNACES.**

Although outdoor furnaces may provide an alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impact of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This regulation is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the City of Titusville.

- (a) Permitted Fuel: Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is prohibited.
- (b) Permitted Zones: Outdoor furnaces shall be permitted only in the R-1 District.
- (c) Minimum Lot Size: Outdoor furnaces shall be permitted only on lots of one (1) acre or more.
- (d) Setbacks: Outdoor furnaces shall be set back not less than two hundred (200) feet from the nearest lot line.
- (e) Months of Operation: Outdoor furnaces shall be operated only between September 1st and May 31st.
- (f) Spark Arrestors: All outdoor furnaces shall be equipped with properly functioning spark arrestors. (Ord. 3182. Passed 5-26-09.)

#### **1309.13 RESIDENTIAL WIND TURBINES.**

These are devices used to convert wind energy for individual residential usage. Such devices are allowed in all districts. They must be behind the principal structure and observe all yard setbacks. (Ord. 3182. Passed 5-26-09.)



**ARTICLE 1313**  
**Administration and Enforcement**

- 1313.01 Zoning Officer.**
- 1313.02 Zoning certificates.**
- 1313.03 Violations and penalties.**
- 1313.04 Method of appeal.**
- 1313.05 Amendments.**

**CROSS REFERENCES**

Zoning enforcement remedies - see Act 247 of 7-31-68 §616, 617  
City Manager to act as Zoning Officer - see ADM. 121.01(b)(1)  
Enforcement of Subdivision Regulations - see ZON. 1333.03

**1313.01 ZONING OFFICER.**

The Zoning Officer, who shall be appointed by the City Manager, shall:

- (a) Administer and enforce the provisions of all ordinances.
- (b) Issue zoning certificates.
- (c) Maintain a permanent file on all zoning certificates and applications as public records.
- (d) Take in and review applications and issue such other permits, do inspections and have such other duties as assigned.
- (e) Receive all applications for appeals, special exceptions and conditional uses and refer same to the proper bodies.

In addition, the Zoning Officer shall review all applications for completeness and reject, in writing with cause given, any incomplete or incorrect application.

(Ord. 3182. Passed 5-26-09.)

**1313.02 ZONING CERTIFICATES.**

- (a) A zoning certificate shall be obtained before any person may:
  - (1) Occupy or use any vacant land;
  - (2) Occupy or use any structure hereafter constructed, reconstructed, moved or enlarged;
  - (3) Change the use of a structure or land to a different use; or
  - (4) Change a nonconforming use.

(b) Applications for a zoning certificate shall be accompanied by a plot plan showing clearly and completely the location, dimensions and use of any structures involved and such other information as the Zoning Officer may require for administration of this Ordinance, together with a filing fee as periodically established by the City.

(c) All permits and certificates which are granted by the Zoning Officer, or those granted as special exceptions, on appeal to the Board or as a conditional use shall be exercised promptly. If the use and/or the work so authorized is not initiated within six (6) months from the date of the permit or certificate, then such certificate or permit shall be null and void. (Ord. 3182. Passed 5-26-09.)

### **1313.03 VIOLATIONS AND PENALTIES.**

(a) Enforcement Notice: When it appears to the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- (1) The name of the owner of record and any other person against whom the City intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(b) Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City, the Zoning Officer of the City, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the City Council of the City of Titusville. No such action may be maintained until such notice has been given.

(c) Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate

violation, unless the district judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the City. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this Section.

(Ord. 3182. Passed 5-26-09.)

#### **1313.04 METHOD OF APPEAL.**

Any person or City official aggrieved or affected by any decision of the Zoning Officer may appeal to the Board within thirty (30) days, as provided by the Pennsylvania Municipalities Planning Code and by the rules of the Board, by filing a notice of appeal specifying the ground thereof. (Ord. 3182. Passed 5-26-09.)

#### **1313.05 AMENDMENTS.**

(a) General: The City Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the City Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the City.

(b) Petitions: Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by City Council resolution.

(c) Referral: Any proposed amendment presented to the City Council without written findings and recommendations from the City of Titusville Planning Commission and the Crawford County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the City Council. The City Council shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the City of Titusville and Crawford County Planning Commissions.

(d) Action: Before acting upon a proposed amendment, the City Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing. See also Planning Code Section 602(2)(i) for other required notifications.

(e) Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the City Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning

Code (Act 247), as amended. The City Council shall commence a hearing thereon within sixty (60) days. As with other proposed amendments, the Curative Amendment shall be referred to the City of Titusville Planning Commission and the Crawford County Planning Commission at least thirty (30) days before the hearing is conducted by the City Council. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The findings, actions and considerations of the City Council shall be in accordance with Section 609.1 of the Planning Code.

The City may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code. (Ord. 3182. Passed 5-26-09.)

**ARTICLE 1317**  
**Zoning Hearing Board and Conditional Uses**

- 1317.01 Creation.**
- 1317.02 Appointment.**
- 1317.03 Removal of members.**
- 1317.04 Organization of Board.**
- 1317.05 Expenditures for services.**
- 1317.06 Legal counsel.**
- 1317.07 Hearings.**
- 1317.08 Board's functions.**
- 1317.09 Parties appellant before Board.**
- 1317.10 Time limitations; persons aggrieved.**
- 1317.11 Stay of proceedings.**
- 1317.12 Conditional uses.**

**CROSS REFERENCES**

Board of Adjustment replaced by Zoning Hearing Board -see 3rd Class §4120 et seq.; Act 247 of 7-31-68 §901 et seq.; Adm. Art. 169

**1317.01 CREATION.**

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of five (5) residents of the City appointed by the City Council pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided. (Ord. 3182. Passed 5-26-09.)

**1317.02 APPOINTMENT.**

The terms of office of the Board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the City Council of any vacancies that occur. Appointments to fill vacancies shall be only for the un-expired portion of the term. Members of the Board shall hold no other office in the City, nor be a member of the Planning Commission. Council shall also appoint one alternate member of the Board for a term of three (3) years. The alternate member shall serve upon the absence or disqualification of a regular Board member in accordance with Sections 903 and 906 of the Pennsylvania Municipalities Planning Code. (Ord. 3182. Passed 5-26-09.)

**1317.03 REMOVAL OF MEMBERS.**

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the City Council, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.  
(Ord. 3182. Passed 5-26-09.)

**1317.04 ORGANIZATION OF BOARD.**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but when any member is disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with City ordinances and the laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the City Council annually. (Ord. 3182. Passed 5-26-09.)

**1317.05 EXPENDITURES FOR SERVICES.**

Within the limits of funds appropriated by the City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.  
(Ord. 3182. Passed 5-26-09.)

**1317.06 LEGAL COUNSEL.**

Where legal counsel is desired, an attorney, other than the City Solicitor, shall be used.  
(Ord. 3182. Passed 5-26-09.)

**1317.07 HEARINGS.**

The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements:

- (a) Notice of hearings shall be given to the public, by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- (b) The City Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (c) The first hearing shall be held within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the



record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent of the record by the applicant and City, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- (d) The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- (e) The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- (f) The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (g) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (h) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (i) The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- (j) The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- (k) The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where an application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under Section 916.1 of the Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct or complete the required hearing as required by Article IX of the Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.
- (l) A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.  
(Ord. 3182. Passed 5-26-09.)

#### **1317.08 BOARD'S FUNCTIONS.**

- (a) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- (b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
- (c) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- (d) Appeals from a determination by the City Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(e) Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and subsection (i) hereof.

(f) Applications for special exceptions under this Ordinance or the flood plain ordinance. See also subsection (j) hereof.

(g) Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.

(h) Appeals from the determination of the Zoning Officer or City Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Articles V or VII applications of the Planning Code.

(i) Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- (3) That such unnecessary hardship has not been created by the applicant;
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

(j) Special Exceptions: The Board shall hear and decide requests for such special exceptions in accordance with the standards and criteria of this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and this Zoning Ordinance.

When this Ordinance requires certificates, licenses, permits or similar documents, and when, in the Board's opinion, such documents will be issued in a matter of time, the Board may issue a conditional approval based upon the final issuance of such documents.

(Ord. 3182. Passed 5-26-09.)

**1317.09 PARTIES APPELLANT BEFORE BOARD.**

Appeals under Section 1317.08 and proceedings to challenge the Ordinance under Section 1317.08 may be filed with the Board, in writing, by the landowner affected, any officer or agency of the City, or any person aggrieved. Requests for a variance under Section 1317.08 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(Ord. 3182. Passed 5-26-09.)

**1317.10 TIME LIMITATIONS; PERSONS AGGRIEVED.**

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate City officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest (see also Section 914.1 of the Planning Code). (Ord. 3182. Passed 5-26-09.)

**1317.11 STAY OF PROCEEDINGS.**

Upon filing of any proceeding referred to in Section 913.3 of the Planning Code and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body (see also Section 915.1 of the Planning Code). (Ord. 3182. Passed 5-26-09.)

**1317.12 CONDITIONAL USES.**

Certain uses, as specified by this Ordinance, are conditional uses to be granted or denied by the City Council. The Planning Commission is to advise the City Council relative to conditional uses. In general, the Council is to be governed by the specific criteria set forth by this Ordinance, the general intent of the Ordinance, the welfare of the community and the recommendations of the Planning Commission in rendering its decision. The Council may attach reasonable conditions to its decision. Specific procedures for Council action follow:

- (a) Where the Council, in this Zoning Ordinance, has stated conditional uses to be granted or denied by the Council pursuant to express standards and criteria, the Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Council or the Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Council. However, the appellant or the applicant, as the case may be, in addition to the City, may, prior to the decision of the hearing officer, waive decision or findings by the Council and accept the decision or findings of the Hearing Officer as final. In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and this Zoning Ordinance.

- (b) (1) The Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (2) Where the Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Council to meet or render a decision as herein above provided, the Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Planning Code. If the Council shall fail to provide such notice, the applicant may do so.
- (3) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.  
(Ord. 3182. Passed 5-26-09.)



**ARTICLE 1321  
Historic Overlay District**

- 1321.01 Statement of intent.**
- 1321.02 Overview of provisions.**
- 1321.03 Zoning overlay concept.**
- 1321.04 Identified historic resources.**
- 1321.05 Provisions which apply to all structures existing or proposed within the Historic Overlay District.**
- 1321.06 Application procedures.**
- 1321.07 Standards and considerations for architectural review.**
- 1321.08 Application for demolition.**
- 1321.09 Design Review Committee.**
- 1321.10 Issuance or denial of permits.**
- 1321.11 Violations, penalties and enforcement.**

**CROSS REFERENCES**

District regulations - see ZON. Art. 1305  
General regulations - see ZON. Art. 1309

**1321.01 STATEMENT OF INTENT.**

The intent of this Article is to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures, and districts in the City of Titusville, as provided by Article VI of the Planning Code. (Ord. 3182. Passed 5-26-09.)

**1321.02 OVERVIEW OF PROVISIONS.**

This Article provides for an Historic Overlay District (or Districts), for the City of Titusville, to protect historic resources. Identified historic resources include, but are not necessarily limited to, historic structures, buildings, objects, or sites. This district(s) is (are) shown on the City of Titusville Zoning Map as the Historic Overlay (HO) District. Owners of structures in the Historic Overlay District must comply with the provisions of this Article, as well as the provisions of the underlying zoning district. (Ord. 3182. Passed 5-26-09.)

**1321.03 ZONING OVERLAY CONCEPT.**

The "Zoning Map, City of Titusville, Pennsylvania" may be amended to show one or more Historic Overlay Districts. An overlay zone may encompass one or more underlying zoning districts and imposes additional requirements above that required by the underlying zone. The HO District is designed for the purposes of historic preservation.

- (a) Historic Resources Map: The Historic Resources Map shall be kept on file at the office of the Zoning Officer. This map will be based upon comprehensive surveys and inventories of historic/cultural resources. The map may contain all, or portions, of the City. No request for an Historic Overlay District shall be granted until the necessary historic survey and inventory have been completed for the area in question. If the area under consideration does not appear on the Historic Resources Map, it shall be the obligation of the proposer(s) to present the necessary documentation, including an Historic Resources Inventory. The Zoning Officer shall consult with the Design Review Committee (see Section 1321.09) and other appropriate organizations to verify that the information presented is accurate, authentic and appropriate for the requested designation.
- (b) Notice: Written notice will be given to all owners of properties classified as Identified Historic Resources, when their property is to be included in the HO District (see also Article 1313).
- (c) Revisions: The Historic Resources Map may be revised or amended from time to time by the City, in accordance with this Article.  
(Ord. 3182. Passed 5-26-09.)

#### **1321.04 IDENTIFIED HISTORIC RESOURCES.**

Determination of the City's Identified Historic Resources shall be made by the City of Titusville in accordance with:

- (a) Historic Resources Inventory: The City shall maintain an inventory of Identified Historic Resources shown on the Historic Resources Map, and shall update such inventory at such time(s) as the City revises the Historic Resources Map in accordance with this Article.
- (b) Compliance: Any change to or alteration of an historic resource in the HO District or any new construction shall occur only in full compliance with the terms of this Article. (Ord. 3182. Passed 5-26-09.)

#### **1321.05 PROVISIONS WHICH APPLY TO ALL STRUCTURES EXISTING OR PROPOSED WITHIN THE HISTORIC OVERLAY DISTRICT.**

- (a) Changes to Identified Historic Resources:
  - (1) Alterations, modifications, removal or the demolition of Identified Historic Resources in the Historic Overlay District shall not be approved nor a building permit issued until such action has been reviewed by the Zoning Officer.
  - (2) The Design Review Committee shall advise the Zoning Officer on matters relating to applications in the HO District. The Committee shall have twenty-one (21) days to make its recommendations from the date the Zoning Officer forwards a copy of such application(s) required under this Article.
  - (3) The provisions of this Article shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site, or object where such work does not require a permit and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site, or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.



- (4) No new construction, building, site, structure, or object located in whole or in part within the Historic Overlay District shall be erected, and the Zoning Officer shall issue no permit for such action, until a permit is obtained from the Design Review Committee. The Design Review Committee shall pass upon the appropriateness of exterior architectural features only where they can be seen from a public street, and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the district.  
(Ord. 3182. Passed 5-26-09.)

#### **1321.06 APPLICATION PROCEDURES.**

(a) Application for Permit:

- (1) The application for a permit required to obtain a building, or other permit, or as required before exterior alteration to any building or structure located within a Historic Overlay District may begin, shall be filed with the Zoning Officer, together with the required fee.
- (2) The application shall include:
- A. A site plan at a scale of one (1) inch to forty (40) feet;
  - B. Schematic architectural drawings of the proposed construction or changes, at a scale of one (1) foot to one-quarter (1/4) inch;
  - C. Elevations drawn to scale showing alterations as seen from public rights-of-ways; and
  - D. A certification by an architect that the construction, alteration, modification, or rehabilitation proposed by the application is consistent with Section 1321.07.

(b) Standards of Appropriateness: The standards to be used by the City in determining the appropriateness of any proposed action shall be those contained in Section 1321.07.

(Ord. 3182. Passed 5-26-09.)

#### **1321.07 STANDARDS AND CONSIDERATIONS FOR ARCHITECTURAL REVIEW.**

(a) Rehabilitation Standards: The Secretary of Interior's Standards for Rehabilitation, presented in this Subsection, should guide any applicant for a building permit and will be considered by the City in the review of such application.

- (1) A property shall be used for its current purpose or be placed in a new use consistent with the underlying district.
- (2) The historic character of the property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) New materials, exterior alterations, or related construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (9) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(b) Consideration for Design Review: Among the criteria used in evaluating any proposed new construction, reconstruction, alteration, or restoration of an Identified Historic Resource, or construction of a new building, structure, or object, the City shall consider the following, where relevant:

- (1) Mass (height, bulk, nature of roof line).
- (2) Proportions (height to width).
- (3) Consistency with architectural style with nearby structures within the HO District.
- (4) Nature of yard space.
- (5) Extent of landscaped areas versus paved areas.
- (6) The nature of facade openings (doors and windows), including size, locations, and proportions.
- (7) Type of roof (flat, gabled, hip, gambrel, mansard, etc.)
- (8) Nature of projections (porches, etc.)
- (9) Nature of the architectural details and style.
- (10) Nature of the materials.
- (11) Color.
- (12) Texture.
- (13) Ornamentation.
- (14) Signs.

(Ord. 3182. Passed 5-26-09.)

### **1321.08 APPLICATION FOR DEMOLITION.**

In addition to the review period required in the Historic Overlay District by Section 1321.05(a)(1), any application for the demolition of an historic resource will be held for an additional twenty (20) days. This "cooling-off" time period will allow for the owner to consider alternatives to demolition as well as permitting other individuals or organizations to offer assistance. (Ord. 3182. Passed 5-26-09.)

**1321.09 DESIGN REVIEW COMMITTEE.**

Upon the approval of a Historic Overlay District, the City Council of the City of Titusville shall appoint a Design Review Committee to assist the Zoning Officer in the review of a request for a permit in the HO District. The Committee shall consist of at least seven (7) persons. These shall include:

- (a) A member of the Titusville Planning Commission.
- (b) A member of a City or County Historic Society.
- (c) An architect.
- (d) A residential contractor or builder.
- (e) A real estate professional.
- (f) Two citizens at large.

The Committee will meet as required, its meetings will be open to the public, public notice as defined in the Pennsylvania Sunshine Act shall be given, and all recommendations shall be in writing. (Ord. 3182. Passed 5-26-09.)

**1321.10 ISSUANCE OR DENIAL OF PERMITS.**

Required permits shall be issued or denied in thirty (30) days from their submission. For a denial of a permit, a written statement specifying the reason for its denial shall be provided the applicant. The applicant may appeal any denial to the Zoning Hearing Board. (Ord. 3182. Passed 5-26-09.)

**1321.11 VIOLATIONS, PENALTIES AND ENFORCEMENT.**

Any person who violates the terms of this Article shall be subject to the fines and penalties imposed by this Ordinance. (Ord. 3182. Passed 5-26-09.)



**ARTICLE 1325**  
**Definitions**

- 1325.01**    **General provisions.**  
**1325.02**    **Specific terms defined.**

CROSS REFERENCES  
Zoning definitions - see Act. 247 of 7-31-68 §107  
Subdivision definitions - see ZON. Art. 1331

**1325.01 GENERAL PROVISIONS.**

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number shall include the singular; the word "shall" is mandatory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied. Any term used in this Ordinance and not specifically defined herein shall be defined as provided in the Pennsylvania Municipalities Planning Code. Any such definition in the Pennsylvania Municipalities Planning Code shall be incorporated herein by this reference. (Ord. 3182. Passed 5-26-09.)

**1325.02 SPECIFIC TERMS DEFINED.**

As used in this Zoning Ordinance, the following terms shall have the following definitions:

- (1)    **ACCESSORY APARTMENT:** A separate, independent dwelling unit located on the same property as the primary use.
- (2)    **ACCESSORY BUILDING:** A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.
- (3)    **ACCESSORY USE OR STRUCTURE:** A use or structure which is clearly subordinate and customarily incidental to the main use or structure that it is accessory to and located upon the same lot occupied by the main use or structure.
- (4)    **ADULT DAY CARE:** Out-of-home care, for part of a twenty-four (24) hour day, for three (3) or more persons aged eighteen (18) or older, who are not related to the operator.

- (5) **ADULT ORIENTED BUSINESS:** A place of business to which the public is permitted or invited where the primary items for sale or rent consist of books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, or digital video disks, or where instruments, devices, or paraphernalia are offered for sale, all in connection with or depicting "specified sexual activities" or "specified anatomical areas". The term includes any adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theatre, adult theatre, escort agency, modeling studio or sexual encounter center.
- (6) **AMBULANCE SERVICE:** Emergency transportation of the sick and injured, invalid coach service, rental of funeral coaches and limousines and pickup and removal of the deceased.
- (7) **AREA:** Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.
- (8) **ASSISTED LIVING FACILITY:** Residences for the frail or elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational activities, financial services, and transportation. They are distinguished from personal care boarding homes by their larger size and additional ancillary services.
- (9) **AUTOMOBILE DEALERSHIP:** The use of any building, land area or other premises for the display of new and/or used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.
- (10) **AUTOMOBILE PARTS/SUPPLY, RETAIL:** Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments, which offer minor automobile repair services, as an accessory use.
- (11) **AUTOMOBILE RENTAL/LEASING:** Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.
- (12) **AUTOMOBILE REPAIR SERVICE:** Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, similar repair, and service activities where minor repairs and routine maintenance are conducted.
- (13) **BALCONY:** An above-grade platform that projects from the wall of a building and is enclosed by a parapet or railing and is used for more than ingress/egress which may or may not be covered.
- (14) **BASEMENT:** A portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (15) **BED AND BREAKFAST HOMESTEAD OR INN:** A private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.
- (16) **BOARD:** The Zoning Hearing Board of the City of Titusville.
- (17) **BOARDING HOUSE:** See definition of Rooming/Boarding House.

- (18) **BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.
- (19) **BUILDING, HEIGHT:** The vertical distance from the average elevation at grade level to the highest point of the deck of a flat roof or a mansard roof or the mean height between the eaves and the ridge for gable, hip and gambrel roofs.
- (20) **BUILDING OR SETBACK LINE:** The imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.
- (21) **BUSINESS SERVICE:** Any business activity that renders service to other commercial or industrial enterprises.
- (22) **CHURCH:** Means a building or buildings used for religious worship or education, which may include accessory uses such as a school, daycare center, auditorium, residence for persons servicing the facility, recreation facilities or book stores. A church is also classified as a place of assembly.
- (23) **CITY COUNCIL:** The City Council of the City of Titusville.
- (24) **CLUBS OR LODGES:** Establishments operated by an organization or entity where people meet or gather for social, fraternal or educational purposes, which may or may not be limited to members or guests and may or may not serve alcohol. Clubs or Lodges are place of assembly.
- (25) **COLLEGES/UNIVERSITIES:** An educational institution recognized by the Commonwealth of Pennsylvania and authorized to award associate, baccalaureate, or higher degrees.
- (26) **COMMERCIAL AMUSEMENT (INDOOR):** A facility which offers various indoor recreational opportunities for its patrons including such games as pool, billiards, physic readings, video games and similar pursuits.
- (27) **COMMERCIAL INDOOR ENTERTAINMENT:** Predominantly spectator uses conducted within an enclosed building. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls.
- (28) **COMMERCIAL INDOOR SPORTS AND RECREATION:** Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, dance halls, fitness centers, indoor racquetball, swimming, and/or tennis facilities.
- (29) **COMMERCIAL OUTDOOR ENTERTAINMENT:** Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to concert or music halls, sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.
- (30) **COMMERCIAL OUTDOOR SPORTS AND RECREATION:** Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks and paintball facilities.
- (31) **COMMERCIAL VEHICLE REPAIR SERVICE:** Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

- (32) **COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
- (33) **COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.
- (34) **COMMUNICATIONS TOWER:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.
- (35) **CONSTRUCTION YARD:** Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards and home supply establishments.
- (36) **CONSTRUCTION SALES AND SERVICE:** Establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures. Typical uses include building material stores and home supply establishments.
- (37) **CORPORATE OFFICE:** A building or portion of a building devoted primarily to the management and administrative functions of a business corporation.
- (38) **COUNCIL:** The City Council of the City of Titusville, Crawford County, Pennsylvania.
- (39) **DAY CARE FOR CHILDREN:** This use is separated into three (3) categories by this Ordinance. They are as follows:
  - A. **DAY CARE CENTER:** An establishment licensed by the Commonwealth of Pennsylvania, which provides supervised care for seven (7) or more children, who are not residents of the premises.
  - B. **FAMILY DAY CARE HOME:** Any premises other than the child's own home, operated for profit, or not for profit, in which child day care is provided at any time to four, five or six (4, 5, or 6) children who are not relatives of the care giver as defined and regulated by the Commonwealth of Pennsylvania.
  - C. **GROUP DAY CARE HOME:** Is a child day care facility in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are used as a family residence.
- (40) **DAY CARE CENTER:** (See Day Care for Children)
- (41) **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to, the construction or expansion of buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.
- (42) **DRIVE-IN/DRIVE-THROUGH BUSINESS:** A place providing service to the occupants of automobiles, usually without requiring the occupants to leave the automobile. Such service includes banking, serving food or drink to the occupants, or providing entertainment or facilities for transacting business without leaving the automobile. Some drive-in businesses such as gasoline service stations are described separately.



- (43) DUMPSTER: An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.
- (44) DWELLING: Any building or portion thereof which is designed for or used for residential purposes. The word "Dwelling" shall not include hotels, motels, or other structures used for transient residence.
- (45) DWELLING/ONE-FAMILY: A building designed for or occupied by one (1) family only.
- (46) DWELLING/TWO-FAMILY: A building designed for or occupied by two (2) families living independently of each other, also known as a duplex.
- (47) DWELLING/MULTIPLE-FAMILY: A building or portion thereof, designed for or occupied by three (3) or more families living independently of each other.
- (48) DWELLING/DETACHED: A dwelling with yards on all four (4) sides.
- (49) DWELLING/MIXED USE: A building or buildings containing two or more uses.
- (50) ELECTRONIC SIGN: A sign capable of displaying text, graphics, video, symbols, or images that can be electronically or mechanically changed by remote or automatic means, and which directs attention to a business, activity, product, commodity, service, entertainment, or communication. The following shall be exempt from electronic sign regulations:
  - A. Signs utilized by the Police Department, other law enforcement personnel, and/or emergency service providers.
  - B. Signs that indicate only the date, time, and/or temperature, provided that the remainder of the sign remains static at all times.
  - C. Score boards for athletic events (indoor and outdoor).
- (51) ELDERLY HOUSING: Multi-family dwelling developments [over four (4) dwelling units] restricted to residents who are handicapped, as defined by Federal law or who are aged fifty-five (55) and older. Such restriction must be duly certified and if the development reverts to a general population, it will be considered a change of use, which must conform to this Ordinance.
- (52) EQUIPMENT SALES AND RENTAL: Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.
- (53) ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or above ground gas, electrical, telephone, cable television, internet, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but excluding office buildings, the outside storage of equipment or maintenance depots.
- (54) FAMILY: A family is:
  - A. A single person occupying a dwelling unit and maintaining a household, or
  - B. Two (2) or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, including not more than two (2) boarders or roomers.
  - C. Not more than four (4) unrelated persons occupying a dwelling unit, living together and maintaining a common household.

- D. Permanent group homes for the handicapped or family-like living arrangements for handicapped persons. Please note: Handicapped persons shall be those who are so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act of 1968.
- (55) FAMILY DAY CARE HOME: (See Day Care for Children.)
- (56) FINANCIAL INSTITUTIONS: Federal or state chartered banks, savings and loan associations or credit unions, which offer federally insured savings accounts and other financial services to their members or customers.
- (57) FIREWOOD: Means trunks and branches of trees and bushes but does not include leaves, needles, vines or brush smaller than three inches (3) in diameter.
- (58) FLOOR AREA: The sum of the gross horizontal areas of one or more floors of a building.
- (59) FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, that does not involve any land development.
- (60) FUNERAL HOME: Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- (61) GARAGE, PRIVATE: An accessory building or part of a principal building used only for the storage of private motor vehicles and other personal effects of the occupants of the principal structure.
- (62) GARAGE, SERVICE: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered, but not used for the dismantling or scrapping of motor vehicles.
- (63) GASOLINE SERVICE STATION: An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.
- A. VEHICLE SERVICE STATION: Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.
- B. REPAIR/SERVICE: Business buildings and premises used for the storage, care, repair or refinishing of motor vehicles or engines including both minor and major mechanical overhauling, paint, and body work.
- C. GASOLINE STATION: Any place of business with fuel pumps and underground storage tanks, which provides fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.
- (64) GENERAL OFFICE: The office of a business, corporation, nonprofit organization or other entity.
- (65) HEAVY MANUFACTURING: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing and other processes.
- (66) HEIGHT OF A COMMUNICATIONS TOWER: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

- (67) HOME OCCUPATION: Within a dwelling, the conduct of professional services, personal services, and retail sale of articles produced on the premises provided such use is subordinate to the principal use of the dwelling for residential purposes, and provided the space devoted to such use does not exceed thirty percent (30%) of the dwelling (see also No-Impact Home-Based Business).
- (68) HOSPITAL: Any establishment where human patients are examined and treated by doctors or dentists and may reside temporarily. Hospitals include nursing or convalescent homes.
- (69) HOTEL-MOTEL: A building containing sleeping rooms principally for the use of transients and sometime containing accessory uses, such as kitchen and dining facilities, lounge, meeting rooms, and convention facilities and other business uses permitted within the use district.
- (70) IDENTIFICATION SIGN: Signs advertising the occupant's business, industry, or products made or sold on the premises and located on the same lot as the business or industry.
- (71) JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.
- (72) JUNKYARD: (See Scrap Yard)
- (73) LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, light-weight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products; but not animal slaughtering, curing, or rendering of fats.
- (74) LIMITED RETAIL BUSINESS: Small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size [less than three thousand (3,000) square feet Gross Floor Area] and confining all commercial activities indoors.
- (75) LOT: A parcel of land abutting on a public street.
- (76) LOT, CORNER: A lot abutting two (2) or more streets at their intersections.
- (77) LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.
- (78) LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- (79) LOT, INTERIOR: A lot other than a corner lot.
- (80) LOT OF RECORD: The last recording of a lot in the Office of Recorder of Deeds of Crawford County prior to the adoption of this Zoning Ordinance.
- (81) LOT, WIDTH: The width of a lot measured at the minimum building line and parallel to the street.
- (82) MANUFACTURING: The processing and fabrication of any article, substance or commodity.
- (83) METHADONE TREATMENT FACILITY: Shall mean a facility licensed by the Department of Health for the use of the drug methadone in the treatment, maintenance or detoxification of persons.
- (84) MOTOR FREIGHT TERMINAL: A lot maintained by a motor freight company which is the origin and/or destination point of short and long-distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

- (85) MUSEUM: A building used to store and/or display objects of history, natural history or art - operated by an educational or nonprofit institution.
- (86) NO IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - B. The business shall employ no employees other than family members residing in the dwelling.
  - C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
  - E. The business activity must not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  - G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- (87) NONCONFORMING: There are three (3) separate types of nonconformity recognized by the Planning Code, and these are listed below. The nonconforming status is granted only to the use, lot or structure at the date of the adoption of this Ordinance or any amendment thereto which created the nonconformity. Nonconformity shall not be extended to additional property subsequently acquired.
- A. NONCONFORMING LOT: A lot the area of dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
  - B. NONCONFORMING STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
  - C. NONCONFORMING USE: A use, whether of land or structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
- (88) OFFICE: A place for the transaction of business.
- (89) OFF-STREET PARKING LOT: Any area arranged, designed, used or intended for use for the parking of five (5) or more motor vehicles.

- (90) OUTDOOR ADVERTISING: Any sign that is not an identification sign.
- (91) OUTDOOR FURNACE: Outdoor furnace means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.
- (92) PARKING LOT OR GARAGE, COMMERCIAL: A lot or structure whose principal use is the parking or storage of motor vehicles for specified time periods or on a rental basis, but not for commercial or public utility vehicles or the dead storage of motor vehicles.
- (93) PARKS AND PLAYGROUNDS: A recreational facility owned by a public body.
- (94) PERMITTED USE: Any use of land and/or building(s) in a district, which is in conformity with the provisions of this Zoning Ordinance.
- (95) PERSONAL CARE BOARDING HOME (PERSONAL CARE HOME): A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.
- (96) PERSONAL SERVICES: Any commercial establishment providing services pertaining to the person, his apparel or personal effects commonly carried on or about the person and including automatic teller machines (excluding drive-in facilities), shoe repair, tailoring, and clothes cleaning on the premises of wearing apparel brought to the establishment by the customer.
- (97) PLACE(S) OF ASSEMBLY: Means any facility where individuals collect to participate, or observe programs or services, or assemble for social or fraternal purposes. This includes such uses as churches, places of worship, theaters, indoor recreation, clubs and lodges as well as similar meeting places. This definition does not include sexually oriented businesses.
- (98) PLANNING CODE: The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
- (99) PORCH: A permanently covered entrance to a building.
- (100) PORTABLE STORAGE UNIT: These are box-type, ground-level, storage units, no more than eight (8) feet wide, seven (7) feet high, and up to twenty (20) feet long. These units are designed to facilitate residential moves or to supply a temporary storage facility during home remodeling. Such units are designed to be delivered by truck to the user's home and then either transported to a new location or removed by the owner. Typical brands are PODS, SAM and PSU. (Note: these measurements are per typical brands.)
- (101) PRINCIPAL USE: That use or purpose for which a building, structure, and/or land or major portion thereof, is designed, arranged, or intended, or for which it may be occupied or maintained under the Zoning Ordinance. The use of any minor portion of the building or structure or other building, structure and/or land on the same lot and incident, subordinate, or supplementary thereto and permitted under the Zoning Ordinance shall be considered an accessory use.
- (102) PROFESSIONAL HOME OFFICE: An office located in a dwelling in which the dwelling's primary resident(s) conducts business that does not require the assistance of outside employees nor requires personal daily communication with associates or customers. Professions that function as a home occupation in a professional home office shall be limited to the following: accountant, architect, lawyer, insurance agent, planner, land surveyor, engineer, telemarketer, and computer programmer.

- (103) **PROFESSIONAL OFFICE:** The office or studio of physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation.
- (104) **PROFESSIONAL SERVICES:** Any office for an establishment providing specialized services to the community in the commonly recognized professions (education, engineering, law, medicine, philosophy, science, theology), the arts (architecture, drama, music, painting, photography, writing), and similar activities (insurance, real estate, etc.).
- (105) **PUBLIC BUILDING:** Any building used exclusively for public purposes by any department or branch of government.
- (106) **PUBLIC GROUNDS;** includes:
  - A. Parks, playgrounds, trails, paths, and other recreational areas.
  - B. Sites for public schools and other publicly owned or operated facilities.
  - C. Publicly owned or operated scenic and historic sites.
- (107) **PUBLIC UTILITY TRANSMISSION TOWER:** A structure owned and operated by a public utility electric company, regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electric transmission lines.
- (108) **RECONSTRUCTION:** Any or all work needed to remake or rebuild all or a part of any identified historic resource to a sound condition, but not necessarily of original materials.
- (109) **RECREATION:**
  - A. Recreation, Commercial - Recreational facilities operated as a business and open to the general public for a fee.
  - B. Recreation, Private/non-Commercial - Clubs or recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.
  - C. Recreation, Public - Recreation facilities operated as a non-profit enterprise by the Borough, any other governmental entity or any non-profit organization which is open to the general public.
- (110) **REPAIRS:** Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.
- (111) **ROOMING/BOARDING HOMES:** A dwelling unit or part thereof, in which lodging and meals (boarding home) are provided, for compensation for three (3) or more persons not transients.
- (112) **RESIDENTIAL ABOVE THE FIRST FLOOR:** The provision for residential units in commercial districts above the first floor.
- (113) **RETAIL USES:** Any commercial establishment offering goods, merchandise or other items for sale at retail to the consumer and including bake shops and candy shops where foods are prepared for sale on the premises.
- (114) **SALVAGE YARDS:** (See Scrap Yards)
- (115) **SCHOOL:** Any educational facility owned by a public or non-profit agency.
- (116) **SCRAP (JUNK OR SALVAGE) YARDS:** A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building and establishments for the sale, purchase or storage of salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged material as part of manufacturing operations.

- (117) **SCREENING:** Unless otherwise defined in this Ordinance, screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight. Screen planting shall mean an evergreen hedge at least six (6) feet high, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least five (5) feet wide.
- (118) **SELF-STORAGE FACILITY:** A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.
- (119) **SERVICE STATION:** Service station or "gas station" means a place of retail business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performing of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.
- (120) **SEXUALLY ORIENTED BUSINESS:** Is synonymous with adult oriented business.
- (121) **SHOPPING CENTER:** A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, with provision for goods delivery separated from customer access.
- (122) **SIDEWALK SIGN:** Sidewalk sign means a sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured, or a sign of similar design.
- (123) **STRUCTURE:** Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.
- (124) **STRUCTURE - HEIGHT OF:** The vertical height measured from the elevation of the curb to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of a gabled roof.
- (125) **SUPPLY YARDS:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.
- (126) **TOWNHOUSE(S):** A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from another unit by a common wall.
- (127) **WAREHOUSE:** A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field, or a building used primarily for the storage of goods and materials and available to the general public for a fee.
- (128) **UNTREATED LUMBER:** Means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain or paint.

- (129) UTILITY LOT: A parcel(s) of land, area of water or combination of land and water within a subdivision or development site designed and intended for the use of residents, occupants of the development or the general public and set aside for nonresidential and/or public service purposes; not including streets, off-street parking or private yard space.
- (130) UTILITY SERVICE, MAJOR: Service of a regional nature which normally entails the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature. All overhead service, distribution and transmission lines are included in this definition
- (131) WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.
- (132) WIND TURBINE: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, in any, for the use of individual residential units.
- (133) YARD, FRONT: An open, unoccupied space across the full width of the lot, extending from the front line of the building to the front property line of the lot.
- (134) YARD, REAR: An open, unoccupied space across the full width of the lot extending from the rear line of the building to the rear property line of the lot.
- (135) YARD, SIDE: An open, unoccupied space extending from the front yard to the rear yard line between a building and the nearest side of the lot.
- (136) ZONING OFFICER: The Zoning Officer or his authorized representative, appointed by the City Manager.  
(Ord. 3182. Passed 5-26-09.)



### **TITLE THREE - Subdivision and Land Development Regulations**

- Art. 1331. General Provisions.
- Art. 1332. Definitions.
- Art. 1333. Procedures - Major Subdivisions and Land Development.
- Art. 1334. Procedures - Minor Subdivisions and Replats.
- Art. 1335. Assurances of Completion.
- Art. 1336. Development Standards.
- Art. 1337. Plan Requirements.
- Art. 1338. Design Standards.
- Art. 1339. Required Improvements.
- Art. 1340. Construction Requirements.
- Art. 1341. Mobile Home Park Regulations.
- Art. 1342. Acceptance of Public Improvements.
- Art. 1343. Standards for Land Development.
- Art. 1344. Administration, Amendment and Modification.

### **ARTICLE 1331 General Provisions**

- 1331.01 Short title.**
- 1331.02 Purpose.**
- 1331.03 Authority.**
- 1331.04 Jurisdiction.**
- 1331.05 Municipal responsibility and liability.**
- 1331.06 Effective date and repealer.**
- 1331.07 Copies.**

#### **CROSS REFERENCES**

- Enactment of subdivisions and land development ordinance - see Act 247 of 7-31-68 § 504
- Penalty - see Act 247 of 7-31-68 § 515

#### **1331.01 SHORT TITLE.**

This Title Three, consisting of Articles 1331 through 1344, shall be known as the “City of Titusville Subdivision and Land Development Ordinance.”  
(Ord. 3163. Passed 11-12-07.)

#### **1331.02 PURPOSE.**

This Ordinance is adopted to help protect and promote the health, safety and general welfare of the residents of the City of Titusville and for the following additional purposes:

- (a) To assure sites are suitable for building purposes and human habitation.

- (b) To provide for the harmonious, orderly, efficient and integrated development of the City.
- (c) To assure new development will be coordinated with existing City development.
- (d) To provide for adequate easements and rights-of-way for drainage and utilities.
- (e) To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.
- (f) To make provisions for appropriate standards for streets, storm, sanitary sewers, water facilities, curbs, gutters and such other improvements as shall be considered necessary by the City.
- (g) To promote the sound layout and design for subdivisions and land development.
- (h) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- (i) To implement the Oil Creek Regional Comprehensive Plan.
- (j) To facilitate brownfield industrial development as promoted by the City's Industrial Overlay District. (Ord. 3163. Passed 11-12-07.)

#### **1331.03 AUTHORITY.**

The City of Titusville is vested by law with the jurisdiction and control of the subdivision of land, mobile home parks and land development located within the City limits in accordance with Article V of the Pennsylvania Municipalities Planning Code. (Ord. 3163. Passed 11-12-07.)

#### **1331.04 JURISDICTION.**

Plans for subdivisions, mobile home parks and land development within the City shall be submitted to, and approved by, the City before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions or regulations of the City. Developers should also refer to the City of Titusville Zoning Ordinance, Floodplain Regulations, as well as other local development regulations. Please note, that the description by metes and bounds in the instrument of property transfer does not exempt the seller or transferor from these regulations. [See 515.1(a) of the Planning Code.] (Ord. 3163. Passed 11-12-07.)

#### **1331.05 MUNICIPAL RESPONSIBILITY AND LIABILITY.**

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 1331.02. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and landowners in the City is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with the minimum requirements for subdivisions, mobile home parks or land developments will render such subdivision, mobile home parks or land development free from inconveniences, conflicts, danger or damages. Therefore, this Ordinance shall not create liability on the part of the individual members of the City Council, the City of Titusville Planning Commission or any officer, appointee or employee of the City for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder. (Ord. 3163. Passed 11-12-07.)

**1331.06 EFFECTIVE DATE AND REPEALER.**

This Ordinance shall become effective December 2, 2007 and shall remain in effect until modified or rescinded by the City Council. This Ordinance shall supersede and replace all other conflicting regulations issued by the City previous to the approval date of this Ordinance, specifically Ordinance 1490 of 5/5/58, as amended, which is hereby repealed in its entirety except as to any violations thereof occurring prior to the effective date of this Ordinance. (Ord. 3163. Passed 11-12-07.)

**1331.07 COPIES.**

Copies of the City of Titusville Subdivision and Land Development Ordinance shall be made available to the general public at a fee adequate to compensate the City for the cost of reproduction, and as set forth by Article 191 of the City's Codified Ordinances. (Ord. 3163. Passed 11-12-07.)



## **ARTICLE 1332**

### **Definitions**

#### **1332.01 General interpretations.**

#### **1332.02 Meaning of words.**

#### **CROSS REFERENCES**

Planning Commission to prepare and administer subdivision and

land development regulations - see Act 247 of 7-31-68 § 209(4)

Official map - see Act 247 of 7-31-68 § 401 et seq.

Subdivision and land development - see Act 247 of 7-31-68 § 501 et seq.

Zoning definitions - see ZON. Art. 1301

#### **1332.01 GENERAL INTERPRETATIONS.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated: words in the singular include the plural, and words in the plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership as well as an individual or any other form of legal entity. The words “shall” and “will” are mandatory; the word “may” is permissive. An “agency” shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have the common meaning given to them. (Ord. 3163. Passed 11-12-07.)

#### **1332.02 MEANING OF WORDS.**

**Agriculture:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices or procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Alley:** A minor right-of-way, publicly or privately owned, primarily for vehicular service access to the back and sides of properties. Alleys are not intended for through vehicular traffic.

**Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**Application for Development:** Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

Arterial street: A major route of transportation, into which collector streets flow.

Block: An area divided into lots and usually bounded by streets.

Building: A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Cartway or Roadway: The improved surface of a street or alley designed for vehicular traffic. Does not include shoulders or surfaces outside the gutter line.

City: The City of Titusville, Pennsylvania.

City Engineer: A professional engineer licensed as such in Pennsylvania, duly appointed as the engineer of the City of Titusville or his/her representative.

Clear Sight Triangle: A triangular area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

Commission: The Planning Commission of the City of Titusville.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the individual interests in the common elements are vested in the unit owners.

Corner Lot: A lot, located at the intersection of two (2) or more existing or proposed street rights-of-way.

Council or City Council: The City Council of the City of Titusville, Pennsylvania.

County: The County of Crawford, Pennsylvania.

County Planning Commission: The Planning Commission of the County of Crawford.

Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Dedication: The deliberate appropriation of land by its owner for general public use.

Deed: A written instrument by which an interest in real property is conveyed.

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, the construction or expansion of buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Double Frontage Lot: A lot having its front and rear lot lines abutting the right-of-way of a street. Sometimes this lot is also called a reverse frontage lot.

Drainage: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Drainage Easement: The lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Easement: A right granted for limited use of private land for public and quasi-public purposes, including such things as utilities and drainage. There shall be no structures on any easements granted to the City of Titusville and to any officially created municipal authority.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Erosion: The removal of surface materials by the action of natural elements.

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for stormwater, drainage, erosion and sediment controls, and which is in accordance with Section 1340.08.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

Flag Lot: A lot not meeting the frontage requirements of the Titusville Zoning Ordinance where access to public road is by a private right-of-way or driveway.

Floodplain: As defined in Section 1353.02(a)(8) of the Codified Ordinances of the City of Titusville.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Land Development: Any of the following activities:

- (a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (b) A subdivision of land.
- (c) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.
- (d) "Land development" does not include development, which involves:
  - (1) The conversion of an existing single-family, detached dwelling or single-family, semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - (3) The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

Landowner or Owner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.



Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Maintenance Guarantee: Any financial security, acceptable under Article V of the Planning Code, which may be accepted by the City of Titusville for the maintenance of any improvements required by this Ordinance.

Major Subdivision: Any subdivision not classified as a minor subdivision.

Manufactured Home: Factory-built, single-family structures that meet the appropriate HUD Code. Mobile homes are a particular type of manufactured home. The term “mobile home” is defined herein and in the Pennsylvania Municipalities Planning Code.

Marker: A metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots. (See Section 1340.02.)

Minor Subdivision: The subdivision of land into not more than three (3) parcels, excluding the residual property, located on an existing improved street that does not involve the construction, installation or dedication of new streets, utilities or other public improvements.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term does not include recreational vehicles or travel trailers. The unit may contain parts that collapse, fold, telescope or otherwise permit continued mobility; however, these characteristics shall not characterize it as a sectional or modular home.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Stand: That part of an individual mobile home lot that has been reserved for the placement of the mobile home.

Modification: When a subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where because of topographic or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend and the City Council may authorize a modification. Any modification thus authorized and the reasoning on which departure was justified shall be entered on the minutes of the City Council. A modification applies only to the particular subdivision for which it is granted.

Monument: A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

Person: An individual, partnership, corporation or other legally recognized entity.

Plan, Final: A complete and exact subdivision plan, mobile home park or site plan prepared for official recording as required by statute and this Ordinance (see Article VII).

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision, mobile home park or site plan to be submitted to the City of Titusville for consideration, as required by this Ordinance (see Article 1337).

Plan, Sketch: An informal plan indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision.

Planning Code or Pennsylvania Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and such other amendments to same as may be adopted from time to time or any statute successor thereto.

Planning Commission: The Planning Commission of the City of Titusville, Pennsylvania.

Plat: The recorded map or plan of a subdivision or land development, whether preliminary or final.

Public: Public includes any municipality-owned and/or operated use.

Public Grounds: Parks, playgrounds and other public areas, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public Hearing: A formal meeting held pursuant to public notice by the City of Titusville or the City of Titusville Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Planning Code.

Public Notice: Notice as required under the provisions of the Pennsylvania Municipalities Planning Code.

Replat: See Subdivision - Replat.

Reserve Strip: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Sewage Disposal System, Community: A system of piping, tanks or other facilities serving two (2) or more lots and collecting, treating and disposing of domestic sewage into a subsurface soil absorption area or retaining tank located on one or more of the lots or at another site.

Sewage Disposal System, On-Lot: A system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into a subsurface absorption area or a retaining tank located on that lot.

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Section 1338.02.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private, and including the entire right-of-way. Particular types of streets are further defined as follows:

- (a) Collector: This class of road serves the internal traffic movement within the Municipality and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a minor street and accommodate local internal traffic movements.
- (b) Cul-De-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
- (c) Local and Minor: The minor street's sole function is to provide access to immediately adjacent land.
- (d) Industrial and Commercial: Industrial and commercial roads are primarily designed to serve industrial and manufacturing development. These roads will be designed to accommodate extensive truck traffic of all types.

Street Centerline: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision - Replat: The change of a lot line between two (2) abutting, existing parcels which does not create a new parcel and where such lot line change is in full compliance with this Ordinance, the City of Titusville Zoning Ordinance and related ordinances, rules and regulations of the City.

Substantially Completed: Where, in the judgment of the City Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surveyor: A professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

Temporary Turnaround: A temporary circular turnaround at the end of a road, which terminates at or near the subdivision boundary bordering undeveloped land.

Undeveloped Land: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas, telephone, electric lines, cable television facilities and street lighting.

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain, or ditch for water, whether natural or man-made.  
(Ord. 3163. Passed 11-12-07.)

**ARTICLE 1333**  
**Procedures - Major Subdivisions and**  
**Land Development**

- 1333.01 Pre-application investigation.**
- 1333.02 Preliminary plan application.**
- 1333.03 Approval of preliminary plan.**
- 1333.04 Final plan application.**
- 1333.05 Approval of final plan.**
- 1333.06 Recording of plan.**

**CROSS REFERENCES**

Approval of plats - see Act 247 of 7-31-68 § 508

Prerequisites to final plat approval - see Act 247 of 7-31-68 § 509

**1333.01 PRE-APPLICATION INVESTIGATION.**

(a) Developers are urged to discuss possible development sites with the City Planning Commission or Building Inspector prior to submission of the Preliminary Plan. The purpose of the pre-application meeting is to afford the developer the advice and assistance of the City. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is encouraged to further discuss the proposal with the appropriate agencies or utility companies as may be appropriate.

(b) A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should generally include those items listed under Plan Requirements, Article 1337, Section 1337.01. The submission of a sketch plan is both optional and voluntary. In no circumstance shall the submission of a sketch plan be regarded as the submission of a preliminary or Final Plan as required by this Ordinance.  
 (Ord. 3163. Passed 11-12-07.)

**1333.02 PRELIMINARY PLAN APPLICATION.**

(a) The Preliminary Plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance when submitted to the City. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies. For the purposes of this Ordinance, the point of contact for submission to the City shall be the City Building Inspector.

(b) An original plus eight (8) copies of the Preliminary Plan and all required exhibits shall be received during regular office hours of the City and must be received at least two (2) weeks prior to the Planning Commission meeting.

(c) Information to be filed with Preliminary Plans shall generally include those items listed under Plan Requirements, Article 1337, Section 1337.02, and shall be prepared in accordance with, and submitted with the number of copies, as specified herein.

(d) In cases where the subdivision fronts on an existing or proposed state highway or has proposed streets entering on such highways, the developer shall submit the plans to the Pennsylvania Department of Transportation for review and permits(s) as required. All plats shall note the requirements of Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428). (Ord. 3163. Passed 11-12-07.)

### **1333.03 APPROVAL OF PRELIMINARY PLAN.**

(a) The City Building Inspector of Titusville shall receive all Preliminary Plans. After receipt, the Building Inspector shall review said plans for completeness. Subdivisions that are not in substantial compliance with Article 1337 will be returned to the developer as an incomplete submission. After such review, and having found the submission to be complete, a copy of the plan will be referred to the City of Titusville Planning Commission and a copy referred to the Crawford County Planning Commission for review and recommendations. The County Planning Commission shall have thirty (30) days for its review (see Planning Code, Section 502). The City may forward plans to the City Engineer as part of the review process. The entire fee for such a review shall be assessed to the developer in accordance with Section 503 of the Planning Code.

(b) Before acting on the Preliminary Plan, the City Council may arrange for a public hearing thereon. If a hearing is to be held, the required public notice shall be given.

(c) The City Council shall take final action on the Preliminary Plan no later than ninety (90) days following the date of the next regular meeting of the City Planning Commission, following the date that a complete application is filed with the City; provided, however, that should the next regular meeting occur more than thirty (30) days following the filing of the application, the ninety (90) day period shall then be measured from the thirtieth (30th) day following the day the application was filed. The City Council shall render its decision during a public meeting. The City Council may approve the plan, disapprove the plan or approve the plan with certain conditions. If the City Council either disapproves the plan or approves it conditionally, it shall cite the provisions of this Ordinance upon which it has based such action. Within fifteen (15) days after its action, the City Council shall notify the developer, in writing, of the action taken, and specifying what revisions or additions, if any, will be required prior to the approval of the Final Plan. If the developer fails to accept the Council's revisions or conditions, if any, set forth in its Preliminary Plan approval, by written notice to the City within twenty (20) days, from notification, the approval shall be automatically rescinded.

(d) Any revisions of the Preliminary Plan required, as a condition prerequisite to approval, will be noted on two (2) copies of the Preliminary Plan. One (1) copy of the conditionally approved Preliminary Plan will be returned to the developer and one (1) copy will be retained by the City.

(e) The purpose of the Preliminary Plan is to define, in detail, the design, construction standards, lot layout, and related items for a subdivision. It is necessary that such matters be resolved prior to the submission of the Final Plan. [See also Section 508(4)(v) of the Planning Code.]

(f) One (1) reproducible original or permanent copy of the Preliminary Plan on stable plastic tracing film will be required. Said copy is to show the Preliminary Plan as approved with all required changes. (Ord. 3163. Passed 11-12-07.)

#### **1333.04 FINAL PLAN APPLICATION.**

(a) After the developer has received official notification that the Preliminary Plan has been approved or conditionally approved and what changes, if any, must be made if the plan is to proceed to consideration as a Final Plan and has accepted these conditions, the developer has one (1) year in which to submit a Final Plan. If the developer does not do so within the one (1) year period, the approval of the Preliminary Plan shall become null and void unless an extension of time is requested by the developer in writing and is granted, in writing, by the City before the expiration date [see also Section 508(4)(v) of the Planning Code].

(b) The information, certificates, and plans to be filed with the Final Plan application shall include those items listed under Plan Requirements, Article 1337, Section 1337.03.

(c) Assurance of the completion of improvements, where required, shall be submitted in accordance with Article 1335.

(d) At least one (1) copy of the Final Plan on stable plastic drafting film (permanent copies), along with eight (8) prints thereof and all other exhibits required for approval shall be filed with the City Building Inspector. The Final Plan shall be filed two (2) weeks prior to the Planning Commission meeting. Where a plat is completed on a computer-assisted drafting system, a GIS-compatible electronic copy of the Final, approved, Plan will be required.

(e) When an extension of time is granted for the submission of a Final Plan, the City shall do one of two things when the Final Plan is submitted:

- (1) Make a finding that the conditions on which its approval of the Preliminary Plan were based have not changed substantially, or
- (2) Require changes in the plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surroundings, that have taken place since the grant of preliminary approval.

(f) It is not necessary for the whole plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the case where development is projected over a period of years, the City may authorize submission of final plats by section or stages of development, subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development [see also Section 508(4)(v) and 508(4)(vi) of the Planning Code].

(Ord. 3163. Passed 11-12-07.)

**1333.05 APPROVAL OF FINAL PLAN.**

(a) The Building Inspector of the City of Titusville shall receive all Final Plans. Plans must be received at least two (2) weeks prior to the Planning Commission meeting. After receipt, the Building Inspector shall review said plans for completeness and conformance to the Preliminary Plan and any conditions relevant thereto. Submissions that are not in substantial compliance with Article 1337 will be returned to the developer as incomplete submissions. Any fee for such a review shall be assessed in accordance with Section 503 of the Planning Code. After such review, a copy of the plan will be sent to the City of Titusville Planning Commission and a copy referred to the Crawford County Planning Commission for review/recommendations by these bodies respectively. The Crawford County Planning Commission shall have thirty (30) days in which to complete its review. This time period shall commence on the date that a complete Final Plan (including any other exhibits required for approval) is submitted to the County. The Building Inspector may forward plans to the City Engineer as part of the review process.

(b) Before acting on the Final Plan, the City Council shall schedule a public hearing thereon with the required public notice to be given.

(c) If after the reviews required by subsection (a) hereof, the City Council finds that the Final Plan is in conformance with this Ordinance, it shall sign the Final Plan. One (1) copy of the Final Plan will be retained for the City's records.

(d) If the City Council finds that the Final Plan is not in conformance with this Ordinance, the Plan shall be disapproved. The City shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Ordinance that is not being complied with.

(e) The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship to the developer. All requests for modification shall then be reviewed and considered by the City Council in accordance with Section 1344.08.

(f) The City Council shall take final action on the Final Plan no later than ninety (90) days following the date of the next regular meeting of the Planning Commission following the date that the application is filed with the Building Inspector; provided, however, that should the next regular meeting occur more than thirty (30) days following the filing of the application, the ninety (90) day period shall then be measured from the thirtieth (30th) day following the day the application was filed.

The City Council shall render its decision during a public meeting. The decision shall be communicated to the developer in writing no later than fifteen (15) days following the date the decision was made.

The formal date of approval shall be deemed to be that date following approval by the City Council whereby the developer provides satisfactory evidence that all conditions set forth by the City Council's approval have been met. In no event shall that time extend beyond one hundred twenty (120) days from the date of the City Council's action.

(g) No Final Plan shall receive approval by the City Council unless the developer shall have filed with the City financial guarantees in accordance with Section 509 of the Planning Code in favor of the City or a designated agency, or shall have completed all required improvements listed in Article 1339, or as the City may require in the public interest.



(h) Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the City or a designated agency, the developer shall take steps to dedicate the improvements and have the same accepted by the City or a designated agency.  
(Ord. 3163. Passed 11-12-07.)

**1333.06 RECORDING OF PLAN.**

(a) After completion of all procedures and upon approval of the Final Plan, the Plan shall then be immediately recorded with the County Recorder of Deeds. In no case shall the Final Plan be recorded after ninety (90) days from the date of the Final Plan approval (see Section 1333.05(f)). Should the developer fail to record the Final Plan within such a period, the approval shall be considered null and void in accordance with Section 513 of the Pennsylvania Municipalities Planning Code. Re-approval thereafter may be granted by the City Council, provided no changes have been made to the Final Plan.

(b) The Final Plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, issuance of building permits or the construction of buildings. Proof of such recordation shall be required by the Building Inspector.

(c) Recording the Final Plan after approval shall have the effect of an irrevocable offer to dedicate all public streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the City concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the City shall have made actual appropriation of the same by Ordinance.  
(Ord. 3163. Passed 11-12-07.)



**CHAPTER 1334**  
**Procedures - Minor Subdivisions and Replats**

- 1334.01 Pre-application investigation.**
- 1334.02 Preliminary plan application and approval.**
- 1334.03 Final plan application and approval.**
- 1334.04 Replats.**
- 1334.05 Recording of plan.**

**CROSS REFERENCES**

Approval of plats - see Act 247 of 7-31-68 § 508  
Prerequisites to final plat approval - see Act 247 of 7-31-68 § 509

**1334.01 PRE-APPLICATION INVESTIGATION.**

The applicable provisions of the pre-application procedure for major subdivisions should be followed. (Ord. 3163. Passed 11-12-07.)

**1334.02 PRELIMINARY PLAN APPLICATION AND APPROVAL.**

A Preliminary Plan is not required, but may be submitted at the developer's option. (Ord. 3163. Passed 11-12-07.)

**1334.03 FINAL PLAN APPLICATION AND APPROVAL.**

All applicable provisions of the Final Plan application and approval procedures (Article 1333) shall be followed, as shall the provisions of Article 1337, Plan Requirements. All applications shall be complete. (Ord. 3163. Passed 11-12-07.)

**1334.04 REPLATS.**

Replats involve the transfer of land between adjacent lots where no new building lot is created. No replat may create a lot in violation of this Ordinance or of the City of Titusville Zoning Ordinance. Replats will be considered as minor subdivisions. (Ord. 3163. Passed 11-12-07.)

**1334.05 RECORDING OF PLAN.**

Minor subdivisions shall be recorded in the same manner and with the same responsibilities as other subdivisions. (Ord. 3163. Passed 11-12-07.)



**ARTICLE 1335**  
**Assurances of Completion**

- 1335.01 General provisions.**  
**1335.02 Improvements.**  
**1335.03 Financial security.**

**CROSS REFERENCES**

Approval of plats - see Act 247 of 7-31-68 § 508

**1335.01 GENERAL PROVISIONS.**

The purpose of these regulations is to provide sound subdivision and land development standards for the City of Titusville.  
(Ord. 3163. Passed 11-12-07.)

**1335.02 IMPROVEMENTS.**

(a) The developer shall, for all major subdivisions, agree to complete all improvements in accordance with these regulations or such other improvements as the City may require in the public interest as a prerequisite to approval of the Final Plan. Such improvements include those that will be dedicated to the City, an appropriate municipal authority or similar designated agency.

(b) No plan shall receive Final Plan approval by the City Council unless the developer shall have completed all improvements as required by these regulations or shall have filed with the City, designated agency or entity surety or other financial security guaranteeing the completion of such improvements (see Section 1335.03).

(c) The City Council shall require the City Engineer to check final construction plans for their correctness and to inspect the construction of improvements. The City Engineer will be used for all improvements where the City is to assume ownership or be responsible for maintenance. The entire cost of plan review and inspection will be borne by the developer in accordance with the Pennsylvania Municipalities Planning Code [see generally Section 503(1) and 510(g)]. The review and inspection of improvements to be dedicated to designated authorities or agencies where the City will not maintain same will be in accordance with such organization's practices.

(d) Upon completion of the improvements in accordance with the specifications of this Ordinance and upon final inspection of the improvements by the City Engineer, the developer shall take the final steps to dedicate the improvements and have the same accepted by the City (see Article 1342). Improvements to be dedicated to designated authorities or agencies where the City will not maintain same will be in accordance with such organization's practices.

- (e) Improvements may include, but are not necessarily limited to, the following:
  - (1) Monuments or markers.
  - (2) Grading, streets, curbs and sidewalks, as required.
  - (3) Sanitary sewers.
  - (4) Water service, including fire hydrants.
  - (5) Storm drainage improvements, as required.
  - (6) Erosion and sedimentation control measures, as required.
  - (7) Street lighting.
  - (8) Street signs.
  - (9) Landscaping.(Ord. 3163. Passed 11-12-07.)

### **1335.03 FINANCIAL SECURITY.**

(a) The purpose of this section is to provide for the filing of financial security as allowed by Section 509 of the Planning Code. Where the improvement is to be dedicated to a designated authority or agency other than the City, the developer will follow that organization's practices. It is the clear intent of this Ordinance that all improvements required by this Ordinance shall either be installed and approved, or the developer will post adequate financial security as required by Section 509 of the Planning Code before Final Plan approval is granted.

(b) An assurance of proper completion of the improvements by financial security in the subdivision shall be made by one of the following methods, or such other method as shall be satisfactory to the City of Titusville:

- (1) A bond, irrevocable letter of credit, restrictive or escrow account, certified check or other security satisfactory to the City and in accordance with Section 509 of the Planning Code, which shall run or be made payable to the City.
- (2) In the case of a bond, it shall also:
  - A. Be with surety satisfactory to the City.
  - B. Be in form, sufficiency, and execution acceptable to the City.

(c) The amount of the financial security shall be in an amount determined to equal one hundred ten percent (110%) of the cost of the required improvements in accordance with Section 509 of the Planning Code, and shall be approved by the City Engineer.

(d) The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the City Council, but not exceed one (1) year. When the improvements have been completed and approved by the City, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the City, a portion of the bond, monies or security commensurate with the cost of the improvement may be released and returned in accordance with Section 509 of the Planning Code.

In no event shall the entire performance assurance be returned to the developer. At least fifteen percent (15%) shall be retained until:

- (1) All improvements have been completed, approved by the City Engineer and accepted by the City.
- (2) The required maintenance bond (see Article 1342) has been filed and accepted by the City.
- (3) All the requirements of Article 1342, specifically including the filing of as-built drawings, have been met.

(e) In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund, which may bear interest to the credit of the developer, but the developer shall pay all costs for the maintaining of such escrow fund.

(f) As the work of installing the required improvements proceeds, the developer posting the financial security may request the City Council to release such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing, addressed to the City Council, and the City Council shall have forty-five (45) days from receipt of such request within which to allow the City Engineer to certify, in writing, that such portion of the work on the improvements has been completed in accordance with the approved Plan and specifications. On such certification, the City Council shall authorize release by the bonding company or lending institution of an amount as estimated by the City fairly representing the value of the improvements completed or, if the City Council fails to act within said forty-five (45) day period, the City Council shall be deemed to have approved the release of funds as requested.

(g) For circumstances relating to financial security not specifically delineated in this Ordinance, including the amount of same and the resolution of disagreements relative to such security, it is the intention of the City of Titusville to follow the guidelines and procedures as set forth by Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.

(h) In the event that any improvement, which may be required, has not been installed as provided in the Ordinance or in accordance with the approved Final Plan, the City of Titusville may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the City of Titusville may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds shall be used solely for the installation of the improvements covered by such security, and not for any other City purpose. (Ord. 3163. Passed 11-12-07.)





## **ARTICLE 1336**

### **Development Standards**

#### **1336.01 General standards.**

##### **CROSS REFERENCES**

Engineer to advise Planning Commission - see Act 247 of 7-31-68 § 201  
 Subdivision ordinance to provide design standards - see Act 247 of 7-31-68 § 503(3)  
 Lot; minimum area and width defined - see ZON. 1301.16 et seq.

#### **1336.01 GENERAL STANDARDS.**

(a) It is the policy of the City that these regulations shall state minimum standards for development.

(b) The following requirements and guiding principles for land subdivision shall be observed by all developers, and the City shall consider the suitability as to location of any proposed subdivision with respect to the following:

- (1) Any development in areas considered by the City as habitable yet subject to periodic or occasional inundation shall comply with the regulations and standards as established under Section 1338.11 and any other federal, state or local municipal law, rule and regulation, including, but not limited to, the Flood Plain Management Act.
- (2) No subdivision showing reserve strips controlling the access of public ways will be approved.
- (3) The following regulations and/or legislation shall also be complied with:
  - A. Pennsylvania Sewage Facilities Act.
  - B. City of Titusville Zoning Ordinance.
  - C. City of Titusville Floodplain Regulations.
  - D. Regulations of the Pennsylvania Department of Transportation relating, but not limited, to driveway and street openings.
  - E. City of Titusville Stormwater Management Ordinance.
  - F. Any other applicable City Ordinance or regulations.  
(Ord. 3163. Passed 11-12-07.)



## **ARTICLE 1337**

### **Plan Requirements**

- 1337.01 Sketch plan.**  
**1337.02 Preliminary plan.**  
**1337.03 Final plan.**

#### **CROSS REFERENCES**

Approval of plats - see Act 247 of 7-31-68 § 508

Prerequisites to final plat approval - see Act 247 of 7-31-68 § 509

#### **1337.01 SKETCH PLAN.**

(a) A subdivision sketch plan should be submitted by the developer or property owner as a basis for informal discussions with the Planning Commission or Building Inspector.

(b) Data furnished in a sketch plan shall be at the discretion of the developer. The sketch plan need not be to scale and the precise dimensions are not required. It is suggested that the following items, as appropriate, be included in the sketch plan presentation:

- (1) Subdivision boundary.
- (2) North arrow.
- (3) Streets on and adjacent to the tract.
- (4) General topographical and physical features (as required).
- (5) Proposed general street layout.
- (6) Proposed general lot layout.
- (7) Proposed easements.
- (8) Surrounding property and the names of owners.
- (9) Name, address and telephone number of the surveyor, and, if needed, engineer.
- (10) Existing zoning district, zoning district boundary lines or nearby zoning district boundary lines in the subdivision.  
 (Ord. 3163. Passed 11-12-07.)

#### **1337.02 PRELIMINARY PLAN.**

(a) A Preliminary Plan is required for major subdivisions. Copies of the Preliminary Plan drawing shall consist of an original drawn on stable plastic film and shall be in permanent ink. Accurate, permanent photographic reproducible reproductions or computer-generated drawings in black will be accepted in lieu of inked drawings. Copies may be either black on white or blue on white prints. The original and eight (8) copies shall be submitted to the Building Inspector.

(b) The Preliminary Plan shall be drawn at a scale of one inch equals one hundred feet (1" = 100'). In unusual circumstances, other scales may be acceptable upon approval by the City. If the Preliminary Plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the various sections. The size of the Preliminary Plans shall be consistent with the requirements for Final Plans.

(c) The following information shall be shown on, or included with, all Preliminary Plans when they are submitted to the City (see also subsection (e) hereof):

- (1) Proposed subdivision name, identifying title and the words "Preliminary Plan."
- (2) Name and address of the owner of the tract or of his agent, if any, and of the developer.
- (3) Date, north arrow, and graphic scale.
- (4) Total acreage of the tract, number of lots, proposed land use, remaining acreage of any un-subdivided land.
- (5) Zoning district(s).
- (6) Tract boundaries that shall show distances and bearings.
- (7) A key map, for the purpose of locating the site in the City, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries.
- (8) Contours at vertical intervals of two (2) feet for land with average natural slope of two percent (2%) or less, and at vertical intervals of five (5) feet for more steeply sloping land. Locations of benchmarks will be shown. Contour data for minor subdivisions will not be required.
- (9) The names of all owners of all immediately adjacent un-platted land and the names of all platted subdivisions immediately adjacent to the development.
- (10) The locations and dimensions of all existing streets, easements, roads, railroads, public sewers, aqueducts, water mains, and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales, and other significant features within the property proposed to be subdivided, or within one hundred (100) feet of said property.
- (11) The location of all buildings within the property.
- (12) A full plan of the development, showing the location of all proposed streets, roads, utility easements, parks, playgrounds, pedestrian ways, and other public areas, sewer and water facilities; proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for ancillary facilities, public use, or future public use, together with the conditions of such dedications or reservations.
- (13) Components for an Act 537 on-lot sewage disposal system, if applicable. Status of any required DEP sewer system permits (as applicable), including permits or approvals for sanitary sewage system line extension, as well as any needed approval of the City Engineer. The City of Titusville operates the sanitary sewer collection and treatment system and will provide the necessary design and construction guidance.
- (14) Public water distribution systems shall be designed and constructed in accordance with City of Titusville specifications. The Public Works Department should be contacted.

- (15) Preliminary designs of any other proposed utilities. These designs may be submitted on separate sheets.
  - (16) Typical cross-sections and centerline profiles for each proposed street shall be shown on the Preliminary Plan (see Article 1338). These profiles may be submitted as separate sheets.
  - (17) A complete drainage plan, per the City's Stormwater Management Ordinance.
  - (18) Preliminary designs of any bridges or culverts, which may be required. These designs may be submitted as separate sheets.
  - (19) Name, address and telephone number of engineer/surveyor.
  - (20) An erosion and sedimentation plan, if required.
  - (21) A completed application.
- (d) The following certificate, where applicable, shall appear on the Preliminary Plan:
- (1) Certificate for the approval of the City Council.
  - (2) Certificate for review of the City of Titusville Planning Commission and the Crawford County Planning Commission.
  - (3) Certificate of the surveyor and/or engineer (if required) as to the accuracy of the survey and/or design.
  - (4) Certification of owner.

(e) Where the Preliminary Plan submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the un-submitted part shall be furnished; the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted (see Section 1333.04(f) for requirements).  
(Ord. 3163. Passed 11-12-07.)

### **1337.03 FINAL PLAN.**

(a) A Final Plan is required for all subdivisions. One (1) permanent copy on stable plastic film, and an original and eight (8) prints shall be submitted.

(b) The Final Plan original for all subdivisions shall be drawn on stable plastic film, and shall be in permanent ink. Accurate, permanent photographic reproductions on stable plastic film and computer-generated drawings in black will be accepted in lieu of inked drawings. The City may require electronic copies of computer-generated Final Plans that are compatible with its software system.

(c) Sheet size for Final Plans shall be eighteen by twenty-four (18 x 24) inches or twenty-four by thirty-six (24 x 36) inches in size for all subdivisions. (Note: The largest sheet currently acceptable by the Crawford County Recorder's Office is 24 by 36 inches).

(d) If the Final Plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the several sections.

(e) The Final Plan shall be drawn at the scale as required of Preliminary Plans unless otherwise allowed as provided by this Ordinance.

- (f) The following information shall be included on Final Plans where applicable:
- (1) Block and lot numbers (in consecutive order).
  - (2) Lot lines and tract boundaries with accurate bearings and distances. Distances to be to the nearest hundredth of a foot; bearings to the nearest second. Survey closure shall be 1:10,000 or less. A copy of the closure computations shall also be submitted with the Final Plan as a matter of record.
  - (3) Exact acreage of the entire subdivision and each individual lot. Acreage to be to the nearest hundredth acre exclusive of rights of ways, or other public areas.
  - (4) Accurate bearings and distances to the nearest established street corners or official monuments. Reference corners shall be accurately described on the Plan. Ties to known control points for the survey are to be furnished.
  - (5) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  - (6) Complete curve data for all curves included in the plan, including radius, delta angle, tangent and arc length.
  - (7) Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines.
  - (8) Street names.
  - (9) Location and material of all permanent, existing and proposed, monuments and lot markers.
  - (10) Easements for utilities and any limitations on such easements.
  - (11) Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public or community use, and all areas to which title is reserved by the owner.
  - (12) Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the County Recorder of Deeds and names of the owners of all adjoining un-subdivided land. The tax identification number of all affected parcels shall be shown.
  - (13) Any other information required by these regulations.
- (g) The following certificates, where applicable, shall be shown on the Final Plan:
- (1) Certification, with seal, by a registered land surveyor and/or engineer, as appropriate, to the effect that the survey and plan are correct.
  - (2) Certificate for approval by the Titusville City Council.
  - (3) Certificate of review of the Titusville City Planning Commission and the Crawford County Planning Commission.
  - (4) A statement, duly acknowledged before a notary public, with seal, and signed by the owner or owners of the property, to the effect that the subdivision or development shown on the Final Plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided or developed and recorded as shown. Said statement shall include an offer of dedication of public roads, easements or other improvements as needed.
  - (5) A certificate to provide for the recording of the subdivision or other plan.
  - (6) A highway occupancy permit notice when so required by Section 508(6) of the Pennsylvania Municipalities Planning Code.

(h) The following information, in addition to that shown on the Final Plan, shall be submitted to the City for Final Plan review, when applicable. Eight (8) copies shall be submitted unless noted otherwise.

- (1) Application for approval.
- (2) Approval of the City Public Works Director and City Engineer for public water, sanitary sewer or storm drain systems.
- (3) Draft of any proposed covenants to run with the land.
- (4) Tentative timetable for the proposed sequence of development for the subdivision, if required.
- (5) Required assurances of completion or a letter of approval of required improvements by the City Engineer, per Section 1335.03, or by a designated agency per Section 1335.02.
- (6) Certificate of dedication of streets and other public property. This is the offer of dedication.
- (7) Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewerage, and water distribution systems shall be shown on one (1) or more separate sheets. (Number of copies the same as subsection (a) hereof.) Street design cross sections shall be provided at intervals of not less than fifty (50) feet for most roads. If a road's grade is in excess of six percent (6%), the City may require cross sections at closer intervals.
- (8) Requirements of Article 1342, as applicable.  
(Ord. 3163. Passed 11-12-07.)





## **ARTICLE 1338 Design Standards**

- 1338.01 General provisions.**
- 1338.02 Streets.**
- 1338.03 Curbs and sidewalks.**
- 1338.04 Blocks.**
- 1338.05 Lots and building lines.**
- 1338.06 Lot grading for subdivisions  
and land developments.**
- 1338.07 Easements.**
- 1338.08 Street names.**
- 1338.09 Stormwater drainage.**
- 1338.10 Utility regulations for  
subdivision and land  
development.**
- 1338.11 Floodplain area regulations.**
- 1338.12 Sanitary sewer systems.**

### **CROSS REFERENCES**

Engineer to advise Planning Commission - see Act 247 of  
7-31-68 § 201  
Subdivision ordinance to provide design standards - see Act 247  
of 7-31-68 § 503(3)  
Lot; minimum area and width defined - see ZON. 1301.16 et seq.

### **1338.01 GENERAL PROVISIONS.**

The design standards set forth by these regulations are intended to insure proper development in the City of Titusville.

- (a) The following land subdivision principles, standards and requirements shall be applied by the City of Titusville in evaluating the plans for proposed subdivisions and shall be considered minimum requirements, except as provided for above.
- (b) In reviewing subdivision plans, the City will consider the adequacy of existing or proposed community facilities to serve the proposed development.
- (c) The subdividing of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the subdivision. The City may require dedicated, improved or undedicated parcels to be provided for future access to adjacent land.
- (d) Land that is unsuitable for development because of hazards to life, safety, health or property shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land included as having unsuitable characteristics would be the following:
  - (1) Land subject to flooding or which has a high ground water table.
  - (2) Land which, if developed, will create or aggravate a flooding condition upon other land.
  - (3) Land subject to subsidence.

- (4) Land containing significant areas of slopes greater than sixteen percent (16%).
- (5) Land which, because of topography or means of access, is considered hazardous by the City of Titusville.
- (6) Land identified by the Commonwealth of Pennsylvania as subject to ground pollution or contamination, unless there are state-approved remedial programs.
- (e) Proposed subdivisions and land developments shall be coordinated with existing nearby neighborhoods or developments so that the community, as a whole, may develop harmoniously.
- (f) The proposed development shall conform to the City Zoning Ordinance. (Ord. 3163. Passed 11-12-07.)

### 1338.02 STREETS.

- (a) Minimum street right-of-way widths and cartway widths shall be as follows:

Type of Street	Cartway With Curbs	Cartway No of- Curbs	Right-Way	Shoulders
Cul-de-sac <sup>1</sup>	28 feet*	NA	50 feet	NA
Minor/Local	28 feet*	NA	50 feet	NA
Collector/Commercial	36 feet**	NA	60 feet	9 feet
Industrial	36 feet**	28 feet	60 feet	9 feet
Arterial	As prescribed by the Pennsylvania Department of Transportation.			

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1 Residential, other cul-de-sacs follow commercial/industrial standards.

\*Two 10-foot traffic lanes and one parking lane and a rolled gutter curb.

\*\*This assumes vertical curbs.

(b) In order to determine the classification of a street, the following two tables shall be used as a guide:

TABLE - STREET CLASSIFICATION  
Projected

	Daily Volume Traffic(ADT)
Cul-de-Sac	0-250
Minor/Local	0-1,000
Collector	1,000-3,000*

Source: Table 2-1 RESIDENTIAL STREETS, 2nd Ed., American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute

TABLE - RESIDENTIAL TRIP GENERATION RATES

Daily Vehicle Trips Per Dwelling Unit		
	<u>Weekday</u>	<u>Peak Hour</u>
Single-Family Detached	10.0	1.0
Apartments		
All	6.0	0.7
Low-Rise	6.0	0.7
High-Rise	4.0	0.4
Townhouses and Single Family Condominiums	6.0	0.6

Source: Table 2-2 RESIDENTIAL STREETS, 2nd Ed., American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute

\*Note: In the event the projected volume of a street exceeds three thousand (3,000) vehicles per day, then its design shall be based upon current PennDOT (Publication 70M) or other accepted engineering standards, but in no event shall be less than the standards for a collector.

(c) In cases where a new subdivision is planned to join the street system on an existing subdivision, the above minimum requirements shall apply except when determined to be inappropriate by the City Building Inspector or City Engineer or where the existing streets and right-of-ways are larger than required above. In this event, the City may require that the new streets and rights of way be as large as those in the existing subdivision. Any street that is planned, though not already established, shall be continued at not less than its width as planned.

(d) Provisions for additional street width (right-of-way) may be required by the City in specific cases for:

- (1) Public safety and convenience.
- (2) Parking in commercial and industrial areas and in areas of high-density residential development.
- (3) Widening existing streets (rights-of-way) where the width does not meet with the requirements of these regulations.

(e) General design criteria for streets not otherwise covered in this Ordinance shall be in accordance with specifications as set forth by the City, which shall generally conform with Penn Dot specifications. All details of the cross-section including crown, curb, pavement, shoulders (if any) subgrade, drains, storm sewers and roadside swales shall be followed.

(f) Cul-De-Sacs.

- (1) In no event shall a street be allowed to dead-end without a permanent or temporary cul-de-sac.

- (2) Residential dead-end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A dead-end street must have adequate turning space for vehicles, which shall include a minimum right-of-way radius of fifty (50) feet, and a minimum road edge (excluding shoulders) or curb radius of forty (40) feet. The entire turnaround area is to be paved. Full pavement shall extend to the outer edge of the forty (40) foot radius. In no event shall the shoulder area be considered as part of the required minimum road width. Cul-de-sacs shall be signed with a "No Outlet" sign for ingress traffic and a "Stop" sign for egress traffic. (Note: See subsection (p) hereof.) In no event shall a cul-de-sac serve more than twenty-five (25) dwelling units, or exceed six hundred (600) feet in length.
- (3) Where a temporary residential cul-de-sac is proposed in a residential development, the developer will be allowed to install a paved temporary facility with a minimum radius of forty (40) feet provided that such a temporary cul-de-sac will not be permitted for more than a two (2) year period and further provided that the developer shall post a bond, in accordance with the provisions of Section 1335.03, in an amount sufficient to construct a permanent cul-de-sac according to the requirements of this Ordinance in the event the street is not continued in said two (2) year period. The temporary facility shall be constructed of subbase material with a wearing surface of BCBC or a bituminous surface treatment per PennDOT Publication 408, Section 480.
- If the street is not constructed in said two (2) year period, the developer shall construct a cul-de-sac in full accordance with the standards of this Ordinance. In such event, the bond shall be returned. In the event the developer neither continues the street nor constructs the cul-de-sac in a two (2) year period, the City shall use the bond funds to construct same (see also Section 1335.03(h)).
- Where a temporary cul-de-sac is proposed, the needed street right-of-way to the tract boundary shall be clearly shown on the preliminary and final plat. The right-of-way of any future street shall meet the requirements of this Ordinance. Area needed to provide the temporary turnaround may be provided by an easement. Said easements shall be so designed as to meet the requirements of this Ordinance. If the cul-de-sac shall become permanent, the easement and improvements shall constitute a permanent dedication to the City of Titusville. If the road is extended and the temporary cul-de-sac is no longer needed, then the easement will be terminated.

- (g) Street intersections shall comply with the following requirements:
- (1) All curbs or pavement outer edge at intersections shall be rounded by a minimum radius of:
- |  |         |
|--|---------|
| Collector, Commercial and Arterial Streets | 40 feet |
| Minor, Local Streets                       | 25 feet |
| Industrial Streets                         | 50 feet |
- Thirty (30) foot radii shall be used where minor streets intersect collector and/or arterial streets.

- (2) When fences, hedges or other plantings, structures, or walls on any lot corner would create a traffic hazard by limiting clear vision across a corner lot from a height of three (3) feet above the finished paved area, at the centerline of the right-of-way, such structure and/or vegetation shall be removed in conjunction with grading the right-of-way to provide a minimum sight line of one hundred twenty (120) feet along the centerline of:
  - A. Seventy-five (75) feet from the point of intersection of the centerlines of two (2) streets where both are minor streets.
  - B. One hundred (100) feet from the point of intersection of the centerlines of two (2) streets where one is a collector street.
  - C. One hundred fifty (150) feet from the point of intersection of the centerlines of two (2) streets where one is an arterial street.When an arterial, commercial, industrial or collector and a minor street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle. No building or structure shall be permitted in this sight triangle. Sight triangles shall be shown on the plan.
- (3) Where the grade of any street at the approach to an intersection exceeds four percent (4%), a leveling area shall be provided, if possible, with a transitional grade not to exceed three percent (3%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.
- (4) Intersections of more than two (2) streets shall not be allowed.
- (5) Minimum street intersection angles shall be seventy-five degrees (75°). Right- angle intersections shall be used whenever possible.
- (6) Intersecting minor/local streets shall be separated by three hundred fifty (350) feet or more, measured between centerlines along the centerline of the intersected street. The separation of intersections for other streets shall be at least five hundred (500) feet measured along the centerline of the intersected street.

(h) Horizontal curves shall be laid on all deflecting angles along the centerline of streets, and the degree of curvature shall be set to assure the proper sight distance as required by Table A.

(i) Vertical curves shall be used in changes of grade exceeding one percent (1%), and shall be designed for maximum visibility as set forth by Table A.

(j) In general, minor and collector streets shall not join into the same side of arterial streets at intervals of less than eight hundred (800) feet.

(k) Half streets shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips is prohibited.

(l) The provision for the extension and continuation of major streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed major street, the City may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.

(m) When the subdivision adjoins un-subdivided acreage, new streets or reserved rights of way shall be provided through to the boundary lines of the development.

(n) Where a subdivision borders on, or contains a railroad right-of-way, an arterial highway right-of-way or a stream, ravine, steep hill or swamp, the City may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for non-residential uses of land, where permitted.

(o) If the lots in a development are large enough for re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such re-subdivision shall be provided. Such access and/or street openings shall not be less than fifty (50) feet in width.

TABLE A  
Design Criteria for Streets<sup>1</sup>  
(Not to Include Intersections)

<u>Item</u>	<u>Type of Street</u>			
	<u>Com./Ind.</u>	<u>Res. Collector</u>	<u>Local/ Minor</u>	<u>Cul-De-Sac<sup>4</sup></u>
Maximum Grade <sup>2</sup>	6.0%	6.0%	10.0%	7.0%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Centerline Radius	500 feet	500 feet	250 feet	250 feet
Minimum Sight Distance <sup>3</sup>	300 feet	300 feet	250 feet	250 feet
Tangent between Curves	150 feet	150 feet	100 feet	100 feet

<sup>1</sup> For arterial roads, PennDOT standards will apply.

<sup>2</sup> Grades in excess of the allowable percentage may be approved by the City where it is clear that it is necessary and that no traffic hazard is, or will be, created thereby.

<sup>3</sup> Sight distance shall be measured along the centerline of the street between points where a driver's eyes at 3' 6" in height can see an object 6" high. Values shown are minimums. Greater values may be required, depending on site-specific criteria.

<sup>4</sup> Please see cul-de-sac definition. A cul-de-sac is the entire street not merely the vehicular turn-around.

(p) All required traffic control devices shall comply with, and be installed in accordance with, Commonwealth of Pennsylvania Department of Transportation regulations. Additionally, it shall be the developer's responsibility to perform all required traffic and engineering studies in accordance with PennDOT guidelines for all traffic-control devices. (Ord. 3163. Passed 11-12-07.)

### **1338.03 CURBS AND SIDEWALKS.**

(a) Curbs: When curbs are installed, the following criteria are to be followed:

- (1) Where sidewalks are installed, curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided. (Note: Appropriate Federal ADA standards will be used).
- (2) All curbs and curb cuts shall be constructed in accordance with the most recent specifications (Publication 408) of the Pennsylvania Department of Transportation.

(b) Sidewalks: Sidewalks shall be provided for all subdivisions unless determined by the City Engineer or Building Inspector to be inappropriate in a particular area due to terrain, lack of connection to other sidewalks or other factors. The specifications for sidewalks shall comply with the current sidewalk standards of the most recent specifications (Publication 408) of the Pennsylvania Department of Transportation. In areas zoned residential, the sidewalk width shall be consistent with adjoining sidewalks but in no case less than four (4) feet wide. In commercially zoned areas, the width shall be consistent with adjoining sidewalks but in no case less than five (5) feet wide. All sidewalks shall also be designed to be conformed to ADA standards.

(Ord. 3163. Passed 11-12-07.)

### **1338.04 BLOCKS.**

(a) Blocks shall be designed to insure proper fire safety, in compliance with the International Fire Code 2006 edition, and its appendices, and with applicable National Fire Protection Association Codes.

(b) In general, all blocks in a subdivision shall have a maximum length of one thousand eight hundred (1,800) feet. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major thoroughfare, which may front on an interior street. Block lengths shall not be less than six hundred (600) feet.

(c) In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial areas.

(d) The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access parking. Of special interest will be an accommodation of truck traffic. (Ord. 3163. Passed 11-12-07.)

**1338.05 LOTS AND BUILDING LINES.**

- (a) The depth-to-width ratio of usable lot length shall be a maximum of four (4) to one (1).
- (b) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required by the City along the line of lots abutting such a traffic artery or other disadvantageous use.
- (c) Side lines of lots, so far as practical, shall be at right angles or radial to street lines.
- (d) Lots abutting local streets shall front upon the streets, which parallel the long dimension of the block, if possible.
- (e) All lots shall abut by their frontage on a publicly dedicated street. Flag lots shall not be permitted (see Zoning Ordinance).  
(Ord. 3163. Passed 11-12-07.)

**1338.06 LOT GRADING FOR SUBDIVISIONS AND LAND DEVELOPMENTS.**

- (a) Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools.
- (b) Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required. A grading and drainage plan shall be required for all subdivisions and land developments, except minor subdivisions.
- (c) No final grading, fill, or cut shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
- (1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the City Engineer and approved by same. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
  - (2) A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the City Engineer for review and written approval is provided.



(d) The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, or right-of-way lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the City Engineer. (Ord. 3163. Passed 11-12-07.)

#### **1338.07 EASEMENTS.**

(a) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a drainage easement may be required that conforms substantially with the water line of such watercourse, drainage way, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.

(b) Where desirable or necessary, adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage and similar services; and no structure or obstruction of any kind shall be placed or allowed to be placed where it will interfere in any way with such easements.

(c) Utility and drainage easements, where required, shall have a minimum width of ten (10) feet from the centerline and be placed at the side or rear of lots whenever possible. (Ord. 3163. Passed 11-12-07.)

#### **1338.08 STREET NAMES.**

The developer shall work with the post office and City Zoning Officer for street naming and numbering. City Council shall approve all proposed street names. (Ord. 3163. Passed 11-12-07.)

#### **1338.09 STORMWATER DRAINAGE.**

All new roads and development shall provide storm drainage facilities and stormwater management in accordance with specifications as set forth in Article 933 of the City Codified Ordinances. All subdivisions shall provide a stormwater management and drainage plan. The stormwater management plan is subject to review and approval by the City Engineer and the City of Titusville. (Ord. 3163. Passed 11-12-07.)

#### **1338.10 UTILITY REGULATIONS FOR SUBDIVISION AND LAND DEVELOPMENT.**

Gas, electric, water, telephone and cable utilities shall be located underground in major subdivisions in accordance with utility company standards and in accordance with all other requirements of the City. Street lighting shall follow City and utility company practices. Full or partially shielded lighting shall be used. (Ord. 3163. Passed 11-12-07.)

#### **1338.11 FLOODPLAIN AREA REGULATIONS.**

All developers are required to follow the City of Titusville's Flood Plain Regulations. See Title Five, Articles 1351 to 1365, Flood Plain Management Code of the Codified Ordinances of the City of Titusville. In addition, when any floodplains are located within a proposed development, they shall be clearly identified on the preliminary and final plat. The developer will use the most recent floodplain information for the City of Titusville as available from the Federal Emergency Management Agency.

Any public facilities or utilities that are constructed in a floodplain area shall be designed in accordance with approved regulations. These regulations are set forth in the City's Floodplain Regulations. (Ord. 3163. Passed 11-12-07.)

**1338.12 SANITARY SEWER SYSTEMS.**

Sanitary sewer systems shall follow the design and construction criteria as set forth by the Pennsylvania Department of Environmental Protection and the City of Titusville. All designs must demonstrate compliance with DEP permit requirements and secure DEP approval, as needed.

(Ord. 3163. Passed 11-12-07.)

## **CHAPTER 1339**

### **Required Improvements**

**1339.01 General provisions.**  
**1339.02 Improvements.**

#### **CROSS REFERENCES**

Completion of improvements - see Act 247 of 7-31-69 § 509  
 Remedies to effect completion of improvements - see Act 247 of  
 7-31-68 § 511  
 Improvement of lots - see ZON. 1335.02  
 Design standards - see ZON. Art. 1338

#### **1339.01 GENERAL PROVISIONS.**

(a) The construction of subdivision improvements is the responsibility of the developer inasmuch as it is his property which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas, and must be completed by the developer.

(b) All of the following improvements, as required by the City pursuant to the authority granted in the Pennsylvania Planning Code, Act 247, as amended, shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the Plan, except as otherwise provided herein.

(c) Final Plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements, except where assurance of completion is furnished as herein provided (Article 1335).

(d) All the requirements in this Ordinance concerning street paving, curbing, utilities, street signs, street lighting, and sidewalks shall be followed.  
 (Ord. 3163. Passed 11-12-07.)

#### **1339.02 IMPROVEMENTS.**

Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjacent to, the subdivision.

- (a) Survey monumentation.
- (b) Water supply.
- (c) Public or community sanitary sewage facilities.
- (d) Storm drainage facilities.
- (e) Streets, including required grading, subgrade preparation, sub-drainage, subbase and pavement.

- (f) Curbing on streets.
- (g) Sidewalks.
- (h) Seeding between the sidewalk and curb.
- (i) Required utilities, street lighting, street name signs and grading, as required.
- (j) Erosion and sedimentation control, as needed.  
(Ord. 3163. Passed 11-12-07.)

**ARTICLE 1340**  
**Construction Requirements**

- 1340.01 General provisions.**
- 1340.02 Monuments and markers.**
- 1340.03 Water supply.**
- 1340.04 Sanitary sewage conveyance.**
- 1340.05 Storm sewers.**
- 1340.06 Streets, cul-de-sacs, curbs  
and sidewalks.**
- 1340.07 Utilities.**
- 1340.08 Erosion control.**

**CROSS REFERENCES**

Completion of improvements - see Act 247 of 7-31-69 § 509  
 Remedies to effect completion of improvements - see Act 247 of  
 7-31-68 § 511  
 Improvement of lots - see ZON. 1335.02  
 Design standards - see ZON. Art. 1338

**1340.01 GENERAL PROVISIONS.**

The construction of improvements shall be in accordance with the requirements of this section. It is the intent of these regulations that these construction requirements shall be for the purpose of establishing a standard of quality and durability.  
 (Ord. 3163. Passed 11-12-07.)

**1340.02 MONUMENTS AND MARKERS.**

Survey monuments and markers shall be placed at all points as determined by the following criteria. Monuments and pins will be regarded as part of the needed improvements for all subdivisions and shall be installed prior to Final Plan approval.

- (a) Monuments shall be concrete with a ½" metal dowel in the center at the top. Monument size shall be no less than 4" x 4" x 30".
- (b) Markers shall be ferrous metal rods, one-half (½) inch minimum diameter by thirty (30) inches minimum length or may be standard manufactured steel survey markers of a similar length.
- (c) Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.
- (d) Monuments shall be placed so that they are flush with the final grade.
- (e) Markers shall be driven into the ground so as to be approximately flush with the final grade.

- (f) Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions. They shall also be set at the intersection of all street right-of-way lines. The developer may request an adjustment to the number and placement of monuments and their replacement with markers prior to the approval of the Final Plan. Such request must be reviewed by the City Engineer and the City Engineer's comments secured prior to action by the City.
- (g) Markers shall be set at all lot angles and corners, and at the beginning and end of all curves in lot and street lines and at the angle points of all street right-of-way(s).  
(Ord. 3163. Passed 11-12-07.)

#### **1340.03 WATER SUPPLY.**

(a) Prior to the approval of the Preliminary Plan, the developer shall provide documentation from the City of Titusville Public Works Department and/or the City Engineer that an adequate public water supply is available.

Note: Section 923.12 of the Codified Ordinances of the City of Titusville requires connection to the City water supply whenever possible.

(b) Fire hydrants shall conform to the standards of the City of Titusville Fire and Public Works Departments, and the American Water Works Association (AWWA). The number and distribution of fire hydrants shall depend upon best professional design practices and be subject to approval by the City Engineer and City Fire Chief.

(c) All public water systems shall be laid wherever possible in the planting strip of the street and constructed in accordance with the standards of the City, the AWWA and the Pennsylvania Department of Environmental Protection.

(d) Design practices, materials and equipment, construction, start up and disinfection of public water infrastructure shall conform to the best professional design practices and to the standards of the City of Titusville, the American Water Works Association and the Pennsylvania Department of Environmental Protection.

(e) Upon completion of the water supply system, and before any person uses said water supply the subdivider shall submit two (2) copies of as-built plans to the City. Said as-built plans shall show by stationing all valves, house taps, length and size of house connections and location of fire hydrants, position of mains in the right-of-way.

(f) All inspection costs, including but not limited to the compensation to be paid to the City Engineer, shall be borne and paid by the subdivider (see Sections 503 and 510 of the Planning Code). (Ord. 3163. Passed 11-12-07.)

#### **1340.04 SANITARY SEWAGE CONVEYANCE.**

(a) The developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications approved by the City. Construction shall also comply with the appropriate standards of the Pennsylvania Department of Environmental Protection. A sewer planning module (if needed) shall be submitted to both the City and DEP for approval prior to Final Plan approval.

Note: Section 927.14 of the Codified Ordinances of the City of Titusville requires connection to the City sewer system whenever feasible.

(b) The developer shall secure from the City Engineer a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system is acceptable. Prior to the acceptance of the facilities by the City, the developer shall supply documentation attesting to the installation of the sanitary sewer collection system. The developer may also offer an acceptable financial surety in lieu of this arrangement.

(c) In addition to the above-cited specifications, sanitary sewers shall be consistent with the design guidelines of the Pennsylvania Department of Environmental Protection.

- (d) No connections to the City's sanitary sewer system shall be made from:
- (1) Footer, basement and cellar drains.
  - (2) Down spouts and roof drains of all kinds.
  - (3) Parking lot and garage drains.
  - (4) Industrial and commercial condensate drains from air conditioners and refrigeration equipment.
  - (5) Any type of surface water/storm runoff.

(e) All phases of construction, including excavation, trenching, installation of the appropriate size of pipe, grading, backfilling and installation of manholes shall be in accordance with construction drawings approved by the City and the Department of Environmental Protection (if required) and shall be inspected by a representative of the City or the City Engineer during the entire construction period. All inspection costs, including, but not limited to, compensation to be paid to the City Engineer, and all other City inspection costs shall be borne by the subdivider in accordance with the provisions of the Planning Code.

(f) Upon completion of sanitary sewer installation, two (2) copies of each of the plans for such systems, as built, shall be filed with the City. Said as-built plans shall show by stationing all manholes, laterals, length of laterals and size and location of mains within the right-of-way.

(Ord. 3163. Passed 11-12-07.)

#### **1340.05 STORM SEWERS.**

The provisions for storm frequency cited below are to be regarded as minimum standards and may be adjusted by the City, or the City Engineer, at their discretion if circumstances warrant same.

- (a) A drainage system adequate to serve the needs of the proposed development in accordance with the City standards in new subdivisions. The developer shall construct a storm sewer system and connect the drainage system with the existing City storm sewer system. All storm sewer construction shall comply with the City's requirements and specifically shall comply with the City's Stormwater Management Ordinance.
- (b) A minimum of a ten (10) year storm frequency shall be utilized to design facilities serving local, commercial/industrial and marginal access streets and marginal access ways and access roads to multiple business properties. All longitudinal and side drains and slope pipes for street, road and highway systems will also be designed allowing for at a minimum, a ten (10) year storm frequency.

Culvert cross drains and any other type of drainage facility in an underpass or depressed roadway section shall be designed utilizing the following minimum storm frequencies.

- (1) Arterial Highways: 25 years.
- (2) Collector, Local Streets and Others: 10 years.
- (3) Other design frequencies may be required by the City, where justified, on individual projects.
- (c) Bridges or culverts shall be designed to support and carry all legal loads, but not less than AASHTO Loading HS-20 and shall be constructed the full width of the cartway plus additional length as necessary to provide a proper installation.
- (d) Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures as determined by the City Engineer and the City Building Inspector shall be taken by the developer to insure proper, safe and healthful disposal of stormwater. The City Engineer must approve all open watercourses.
- (e) The direct discharge of surface or subsurface water such as down spouts or basement sump pumps onto the street cartway will not be permitted.  
(Ord. 3163. Passed 11-12-07.)

#### **1340.06 STREETS, CUL-DE-SACS, CURBS AND SIDEWALKS.**

(a) Streets, cul-de-sacs, curbs and sidewalks shall be designed and constructed in accordance with the City of Titusville requirements, which shall generally conform with Penn DOT specifications.

(b) The developer shall submit plans, profiles, cross-sections and details for streets, cul-de-sacs, curbs and sidewalks to the City. The developer shall not initiate construction until such plans have been approved by the City and the City Engineer, including any revisions required by the City and the City Engineer. Construction of streets, cul-de-sacs, curbs and sidewalks shall be in accordance with plans that have been approved by the City.

(c) All streets and cul-de-sacs shall have subdrainage systems consisting of subgrade (blind) drains and pavement base drains, designed and constructed in accordance with the City of Titusville requirements, which shall generally conform with Penn DOT specifications.

(d) Specifications for industrial, commercial and other special use streets will be determined by the City Engineer on a case-by-case basis.  
(Ord. 3163. Passed 11-12-07.)

#### **1340.07 UTILITIES.**

Gas, electric, telephone and cable utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by the City. All buried utilities must be installed prior to the road subbase construction. All buried utilities located within the roadway must be backfilled with the same material and compaction requirements as specified for storm or sanitary sewer backfill within roadways.  
(Ord. 3163. Passed 11-12-07.)



**1340.08 EROSION CONTROL.**

It shall be a requirement of all major subdivisions that the developer shall have a Soil Erosion and Sedimentation Control Plan and/or permit, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), which shall be reviewed and approved by the Crawford County Soil Conservation District or its successor organization. The City may also require a like plan for any minor subdivision. The plan shall be fully implemented during the construction of the development. A copy of the approved Soil Erosion and Sedimentation Control Plan, along with the approval letter, shall be submitted with the subdivision plans.  
(Ord. 3163. Passed 11-12-07.)



## **ARTICLE 1341**

### **Mobile Home Park Regulations**

- 1341.01    Applicability.**
- 1341.02    Plan requirements.**
- 1341.03    Preliminary plan.**
- 1341.04    Final plan approval.**
- 1341.05    Design requirements.**
- 1341.06    Utility requirements.**

### **CROSS REFERENCES**

Mobile home parks - see ZON. Art. 1325

The City of Titusville is a participant in a multi-municipal land-use sharing agreement, and mobile home parks are not provided for in the Titusville Zoning Ordinance. Therefore, this section is only included in the event that the City no longer is a participant in that agreement, or the agreement is otherwise nullified.

#### **1341.01    APPLICABILITY.**

No person, firm or corporation proposing to open, re-arrange or expand a mobile home park in the City of Titusville shall proceed with any construction work on the proposed park until they have obtained from the City written approval of the Preliminary Plan of the proposed park, according to procedures herein outlined\*.  
(Ord. 3163. Passed 11-12-07.)

#### **1341.02    PLAN REQUIREMENTS.**

(a) Preliminary and Final Plans, as required, shall comply in form and content with Articles 1333 and 1337 of these regulations in-so-far as applicable and shall be in accordance with the standards set forth herein.

(b) A Stormwater Management Plan shall be submitted.  
(Ord. 3163. Passed 11-12-07.)

#### **1341.03    PRELIMINARY PLAN.**

(a) Pre-Application Procedure: The mobile home park developer should meet with the City, prior to formal application, to discuss his plans and should prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The City shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.

(b) Application: The developer shall then prepare and submit a complete Preliminary Plan, together with improvement plans and other supplementary material, as required (see Section 1333.02).

(c) Action: The Planning Commission and City Council shall review the park plan as submitted and take actions as required in Section 1333.03.  
(Ord. 3163. Passed 11-12-07.)

#### **1341.04 FINAL PLAN APPROVAL.**

(a) Upon completion of any modifications required by the City and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of the Final Plan. Until the Final Plan for the mobile home park is approved and recorded and until all necessary improvements are completed for the mobile home park, the placement and habitation of individual mobile homes shall not be permitted [see Section 509(m) of the Planning Code].

\*It is not anticipated that the City will have any new mobile home parks.

(b) The City Council shall review the Final Plan for conformance with the approved Preliminary Plans and all requirements of these rules and regulations. Where required, an appropriate bond shall be posted or required improvements shall have been installed, according to specifications (see Sections 1333.04, 1333.05 and Article 1335) prior to approval by City Council.

(c) Filing: Following approval, the developer shall file one (1) copy of the approved plan with the Crawford County Recorder of Deeds within ninety (90) days. Should the developer fail to file such plans within said period, the approval shall be null and void (see Section 513 of the Planning Code).  
(Ord. 3163. Passed 11-12-07.)

#### **1341.05 DESIGN REQUIREMENTS.**

(a) Minimum Area of Tract or Park: The minimum area of the tract or park shall be five (5) acres. The site shall be so located that soil conditions, groundwater level, drainage and topography shall not create hazards to the property, health or safety of the occupants or adjacent property owners.

(b) Individual Lots: The planning and location of individual lots shall be guided by the following requirements:

- (1) Access: Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
- (2) Size: Each mobile home lot shall have a minimum lot width of sixty (60) feet, depth of one hundred (100) feet and a minimum of seven thousand (7,000) square feet in area.
- (3) Yard Requirements:
  - A. Mobile homes shall be parked on each lot so that there will be a minimum of ten (10) feet between the mobile home, appurtenant structures and any adjacent side or rear lot line.
  - B. There shall be a minimum of twenty (20) feet between an individual mobile home, attached structures and accessory structure, and the pavement of a park street or common parking area.

- C. The setback from the right-of-way of any public street or highway shall be consistent with the zoning ordinance.
  - D. Mobile homes shall be located a minimum of twenty (20) feet from any common building or structure.
  - E. Each mobile home lot shall be so platted to permit a minimum of twenty (20) feet between individual mobile homes.
  - F. There shall be at least forty (40) feet between any mobile home, appurtenant building, office or similar structure and any boundary line.
  - G. Rear yards shall be at least fifteen (15) feet from the mobile home lot line.
- (4) Skirting: The plans shall specify that skirting shall be provided on all mobile homes. Skirting shall be so designed as to allow for adequate ventilation under the mobile homes.
- (c) Mobile Home Stands.
- (1) The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the placement and removal of the mobile home is practical.
  - (2) The stand where the unit is placed shall be at least fourteen (14) feet by sixty-five (65) feet to accommodate modern units.
  - (3) A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided. Water shall be directed away from the mobile home stand. In no event shall the stand be designed to allow the pooling of water under mobile homes.
  - (4) All mobile homes shall be set on a foundation of brick, concrete, or concrete blocks extending below the frost line with skirting.
  - (5) Each mobile home stand shall provide adequate tie downs. Developers should consult with insurance companies, such as Foremost, or use national standards, such as published by ANSI, for guidance or the manufacturer's guidelines. The mobile home park owner shall be responsible for the proper anchoring of mobile home units.
  - (6) There shall be a concrete patio area provided for each stand, not less than ten (10) feet wide and twenty (20) feet long located convenient to the main entry door to the mobile home.
- (d) Internal Street System: The internal street system in privately owned mobile home parks shall be privately owned, constructed and maintained in accordance with the applicable sections set forth in Article 1338, Design Standards, and Article 1340, Construction Requirements.
- (e) Street Widths at Access Points: At points where general traffic enters or leaves the park, streets shall be twenty-four (24) feet in width within twenty (20) feet of the existing public street to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.
- (f) Parking Spaces: Such facilities shall be provided as required by the City's zoning ordinance.

(g) Recreation: For a proposed park of fifteen (15) acres or more, at least ten percent (10%) of the total area shall be reserved or dedicated for recreation purposes for park residents with appropriate location, dimensions and topographic characteristics, which, in the judgment of the City, lend themselves to recreational uses.

(h) Waste Disposal: Dumpsters or other park waste disposal facilities shall be isolated from individual mobile homes by at least fifty (50) feet and shall be screened on at least three (3) sides.

(i) Stormwater: See the City's Stormwater Management Regulations.  
(Ord. 3163. Passed 11-12-07.)

#### **1341.06 UTILITY REQUIREMENTS.**

(a) Electric: All electrical facilities shall be installed and inspected according to the standards set forth by the utility company.

(b) Exterior Lighting: Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. All lighting shall use fully shielded fixtures (see darksky.org).  
(Ord. 3163. Passed 11-12-07.)

## **ARTICLE 1342**

### **Acceptance of Public Improvements**

#### **1342.01 General provisions.**

##### **CROSS REFERENCES**

Completion of improvements - see Act 247 of 7-31-69 § 509

Remedies to effect completion of improvements - see Act 247 of 7-31-68 § 511

Improvement of lots - see ZON. 1335.02

Design standards - see ZON. Art. 13389

#### **1342.01 GENERAL PROVISIONS.**

Upon completion of street and drainage systems and/or the water and/or sanitary sewer system, as set forth on the Final Plan, the developer shall request that the City accept ownership and perpetual maintenance. The City's acceptance shall require the following:

- (a) Certificate by the City Engineer that the improvements have been completed as shown on the Final Plan and in accordance with this Ordinance.
- (b) Formal acceptance by the City of the improvements on a form supplied by the City.
- (c) The City shall require the posting of financial security (a maintenance bond) for any improvements to be accepted. Said financial security is for the structural integrity and/or functioning of said improvements for a period of eighteen (18) months from the date of their acceptance by the City and shall be in the amount allowed by Section 509 of the Pennsylvania Municipalities Planning Code, as amended, which is fifteen percent (15%) of the actual cost of installation.
- (d) Submission by the developer of as-built drawings of the said improvements. As-built drawings are to be permanent drawings on stable plastic drafting film and shall be prepared by a professional engineer or land surveyor. Where the engineer uses a computer-aided drafting system, the City will request an electronic copy of the subdivision and the public improvements in a format compatible with City software.
- (e) Improvements offered to any municipal authority shall be subject to its rules and acceptance process. However, proof of acceptance will be required.  
(Ord. 3163. Passed 11-12-07.)





**CHAPTER 1343**  
**Standards for Land Development**

- 1343.01 Jurisdiction.**
- 1343.02 Procedures.**
- 1343.03 Site plan.**
- 1343.04 Design standards.**
- 1343.05 Assurance for completion and maintenance of improvements.**

**1343.01 JURISDICTION.**

Certain physical developments are classified as land developments in Section 1332.02 and as such are subject to regulation. The design and construction standards as found elsewhere in this Ordinance are applicable to land development, as such standards may be appropriate. Land development is characterized by the fact that the development site is typically in single ownership and the buildings and/or use areas are often rented or leased to prospective users. It shall be unlawful for an applicant to construct land developments as defined herein until:

- (a) The Final Site Plan has been approved by the City and recorded as required by this Ordinance.
- (b) A valid permit from the Pennsylvania Department of Environmental Protection, where applicable, has been approved for issue to the applicant.
- (c) A valid Occupancy Permit has been secured from the City or from the Pennsylvania Department of Transportation for highway right-of-way occupancy for the purpose of constructing access facilities.
- (d) All land developments shall be consistent with the City's zoning ordinance.  
(Ord. 3163. Passed 11-12-07.)

**1343.02 PROCEDURES.**

In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Site Plan, and Final Site Plan stages. The land development shall be processed, and submission requirements shall be the same as that required for subdivisions. Developers are specifically reminded to prepare a stormwater management plan. Where a development involves a building, or buildings, of less than five thousand (5,000) square feet in aggregate size, the successful filing of a permit under the City Zoning Ordinance will be regarded as compliance with this Article and no other application will be required.

The processing requirements, drawing size, certifications, acknowledgments, number of copies, etc. for submission of site plans shall be the same as for subdivisions (unless otherwise noted) and as set forth in Articles 1333 and 1337.

The final site plan shall be recorded in the County Recorder of Deeds Office.  
(Ord. 3163. Passed 11-12-07.)

### **1343.03 SITE PLAN.**

In lieu of a plat plan, the developer shall submit a site plan. Such plan shall be at a scale of one (1) inch to twenty (20) feet. Where building development and parking lot development is in excess of fifty thousand (50,000) square feet combined, topographic data at two (2) foot contour intervals shall be required. Each site plan shall, through one or more pages, show:

- (a) Existing site conditions (topography, as needed, drainage, tree clusters, buildings, utilities, roads, and nearby properties).
- (b) Proposed developments, including buildings (with footprints and frontal elevations), parking, vehicular, and pedestrian access areas, storm drainage, landscaping, utility location and size.
- (c) Property information with a boundary survey completed by a professional land surveyor. (Ord. 3163. Passed 11-12-07.)

### **1343.04 DESIGN STANDARDS.**

(a) Vehicular access connections to the surrounding existing road network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic. Any connection to state roads must be approved by the Pennsylvania Department of Transportation.

(b) Service areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.

(c) The site plan shall demonstrate that building locations and areas for vehicular circulation are properly depicted.

(d) A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development. For retail developments of seventy thousand (70,000) square feet of building area or more, such plan must be prepared by a registered engineer. If the development is adjacent to another development with a large (over 75 cars) parking lot, common access between such lots will be required, if practicable. All required traffic control devices shall comply with, and be installed in accordance with, Commonwealth of Pennsylvania Department of Transportation standards. Additionally, it shall be the developer's responsibility to perform all required Traffic and Engineering Studies in accordance with PennDOT criteria.

(e) Stormwater Management: To be consistent with the City Engineer's requirements and City Ordinance, Article 933.

(f) A complete landscaping plan shall be submitted by all developers that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important alignments, or provide shade. At least five percent (5%) of the lot area shall be landscaped.

(g) A complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site.

(h) Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineers Society. Lighting fixtures shall be fully shielded (see darksky.org).

(i) The City shall be provided with information on the availability of water and sanitary sewer service that is in conformance with Sections 1340.03 and 1340.04.

(j) Utilities: Gas, electric, telephone and cable utilities shall be located in land developments in accordance with utility company practice and in accordance with agreements with, or as approved by, the City. All such utilities shall be underground.

(k) Refuse/Recycling: Refuse receptacles shall be shielded on three sides and enclosed with an opaque gate. Recycling bins shall be designed and located with City approval. (Ord. 3163. Passed 11-12-07.)

#### **1343.05 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.**

Insofar as the land development involves the use, lease or rental of buildings and/or space on the site and site improvements (such as roads, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization created by the developer, there is no need for municipal acceptance of the site improvements (roads, stormwater drainage devices). However, in these instances, roads and storm water drainage systems shall be designed and built to the standards established in this Ordinance, and the City shall ascertain that these improvements are, in fact, built to such standards. Where the developer does not intend to maintain the improvement and where a homeowners' association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, and one clearly establishing maintenance responsibility, and shall be subject to approval by the City. Any proposed improvement to be offered for public dedication will follow the requirements for same as specified by this Ordinance. Among other remedies to enforce this section, the City may refuse to issue zoning certificates or building permits. (Ord. 3163. Passed 11-12-07.)



**ARTICLE 1344**  
**Administration, Amendment and Modification**

- 1344.01 Amendments.**
- 1344.02 Filing fee and review.**
- 1344.03 Records.**
- 1344.04 Appeals.**
- 1344.05 Validity.**
  
- 1344.06 Preventive remedies.**
- 1344.07 Enforcement remedies.**
- 1344.08 Modification of regulations.**
- 1344.09 Conflict.**

**CROSS REFERENCES**

Enactment of subdivisions and land development ordinance - see Act 247  
of 7-31-68 § 504  
Penalty - see Act 247 of 7-31-68 § 515

**1344.01 AMENDMENTS.**

The City Council of the City of Titusville may, from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Planning Code, Act 247, as amended.  
(Ord. 3163. Passed 11-12-07.)

**1344.02 FILING FEE AND REVIEW.**

The filing fee for subdivision plans shall be established by the City Council. Such filing fees shall include those for mobile home parks and land development. Fees shall include the review of subdivision plats, mobile home park plans and land development site plans. Fees shall also include the field inspection of such plats, plans or site plans or their final inspection. The fees charged shall be in accordance with 503(1), 509 and 510 of the Planning Code and Article 191 of the City's Codified Ordinances.  
(Ord. 3163. Passed 11-12-07.)

**1344.03 RECORDS.**

The City shall maintain an accurate public record of all plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.  
(Ord. 3163. Passed 11-12-07.)

**1344.04 APPEALS.**

In any case where the City Council disapproves a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Crawford County, Pennsylvania in accordance with Article X-A of the Pennsylvania Planning Code.  
(Ord. 3163. Passed 11-12-07.)

**1344.05 VALIDITY.**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance as a whole, or any individual part thereof.  
(Ord. 3163. Passed 11-12-07.)

**1344.06 PREVENTIVE REMEDIES.**

(a) In addition to other remedies, the City may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

(b) The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or other regulations of the City of Titusville. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation.
- (2) The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) The current owner of record who acquired the property subsequent to the time of violation without regard to whether such current owner had actual or constructive knowledge of the violation.
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property.  
(Ord. 3163. Passed 11-12-07.)

**1344.07 ENFORCEMENT REMEDIES.**

(a) Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Planning Code or prior enabling laws shall, upon being found liable therefor in an enforcement proceeding commenced by the City of Titusville, pay a fine of not more than five hundred dollars (\$500), plus all court costs. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district judge and thereafter each day that a violation continues shall constitute a separate violation.

(b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section. (Ord. 3163. Passed 11-12-07.)

#### **1344.08 MODIFICATION OF REGULATIONS.**

(a) The City Council may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

This Ordinance recognizes the intent and purpose of the City's Industrial Overlay Zoning District (IOD). It is the intent of this Ordinance to facilitate such brownfield development and to allow such modifications in the IOD as may be necessary to facilitate that goal as long as subject developments comply with IOD regulations.

(b) All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary. The Planning Commission's advice on any modification may be requested before the City Council takes action on such requests.

(c) The City Council shall keep a written record of all action on all requests for modifications.

(d) The City Council may approve, or deny the request for modification. If the City Council approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. (Ord. 3163. Passed 11-12-07.)

#### **1344.09 CONFLICT.**

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of the City, the highest standards shall govern. (Ord. 3163. Passed 11-12-07.)





**TITLE FIVE - Flood Plain Management Code**  
Art. 1351. Flood Control.

**ARTICLE 1351**  
**Flood Control**

- 1351.01 Statutory authorization.**
- 1351.02 General provisions.**
- 1351.03 Administration.**
- 1351.04 Identification of floodplain areas.**
- 1351.05 Technical provisions.**
- 1351.06 Activities requiring special permits.**
- 1351.07 Existing structures in identified floodplain areas.**
- 1351.08 Variances.**
- 1351.09 Definitions.**

**CROSS REFERENCES**

Prevention and control of floods - see 32 P.S. §653 et seq.  
Reimbursement of flood control projects - see 25 Pa. Code §103.41 et seq.

**1351.01 STATUTORY AUTHORIZATION.**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the City Council of the City of Titusville does hereby order as follows.  
(Ord. 3209. Passed 8-14-12.)

**1351.02 GENERAL PROVISIONS.**

- (a) Intent. The intent of this article is to:
  - (1) Promote the general health, welfare, and safety of the community.
  - (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  - (3) Minimize danger to public health by protecting water supply and natural drainage.
  - (4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
  - (5) Comply with federal and state floodplain management requirements.

(b) Applicability.

- (1) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the City of Titusville unless a Permit has been obtained from the Floodplain Administrator.
- (2) A Permit shall not be required for minor repairs to existing buildings or structures.

(c) Abrogation and Greater Restrictions. This article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this article, the more restrictive shall apply.

(d) Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the article, which shall remain in full force and effect, and for this purpose the provisions of this article are hereby declared to be severable.

(e) Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This article shall not create liability on the part of the City of Titusville or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.  
(Ord. 3209. Passed 8-14-12.)

**1351.03 ADMINISTRATION.**

(a) Designation of the Floodplain Administrator. The Building Inspector/Zoning Officer is hereby appointed to administer and enforce this article and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (1) Fulfill the duties and responsibilities set forth in these regulations,
- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or
- (3) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the City Manager.

(b) Permits Required. A Permit shall be required before any construction or development is undertaken within any area of the City of Titusville.

(c) Duties and Responsibilities of the Floodplain Administrator.

- (1) The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- (2) Prior to the issuance of any permit, the Floodplain Administrator shall review the permit application to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- (3) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- (4) In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this article.
- (5) In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the City Council for whatever action it considers necessary.
- (6) The Floodplain Administrator shall maintain all records associated with the requirements of this article including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- (7) The Floodplain Administrator is the official responsible for submitting a biennial report to the FEMA concerning community participation in the National Flood Insurance Program.
- (8) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain article as the Floodplain Administrator/Manager.
- (9) The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

(d) Application Procedures and Requirements.

- (1) Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the City of Titusville. Such application shall contain the following:
  - A. Name and address of applicant.
  - B. Name and address of owner of land on which proposed construction is to occur.
  - C. Name and address of contractor.

- D. Site location including address.
  - E. Listing of other permits required.
  - F. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- (2) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  - C. Adequate drainage is provided so as to reduce exposure to flood hazards;
  - D. Structures will be anchored to prevent floatation, collapse, or lateral movement;
  - E. Building materials are flood-resistant;
  - F. Appropriate practices that minimize flood damage have been used; and
  - G. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- (3) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- A. A completed Permit Application Form.
  - B. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - 1. North arrow, scale, and date;
    - 2. Topographic contour lines, if available;
    - 3. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - 4. The location of all existing streets, drives, and other access ways; and
    - 5. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

1. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
  2. The elevation of the base flood;
  3. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
- D. The following data and documentation:
1. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and
  2. Detailed information concerning any proposed floodproofing measures and corresponding elevations.
  3. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 1351.04(b)(1)) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
  4. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District with floodway (See Section 1351.04(b)(1)) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point within the community. (If chosen, delete subsections (d)(3)D.3. and 5. hereof.)
  5. Document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.  
Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
  6. Detailed information needed to determine compliance with Section 1351.05(c)(6), Storage, and Section 1351.05(d), Development Which May Endanger Human Life, including:
    - a. The amount, location and purpose of any materials or substances referred to in Sections 1351.05(c)(6) and 1351.05(d) which are intended to be used, produced, stored or otherwise maintained on site.
    - b. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1351.05(d) during a base flood.
  7. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

8. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- (4) Applications for Permits shall be accompanied by a fee, payable to the Municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator. Fees shall be set by resolution of City Council and shall be included in Article 191 of the Codified Ordinances of the City of Titusville.

(e) Review of Application by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

(f) Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. Planning Commission, Municipal Engineer, etc.) for review and comment.

(g) Changes. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

(h) Placards. In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

(i) Start of Construction. Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

(j) Enforcement.

- (1) Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
- A. Be in writing;
  - B. Include a statement of the reasons for its issuance;
  - C. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
  - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
  - E. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this article.
- (2) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee of the Municipality shall be guilty of a misdemeanor and upon conviction shall pay a fine to City of Titusville, of not less than twenty-five dollars (\$25.00) nor more than six hundred dollars (\$600.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with this article shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this article may be declared by the City Council to be a public nuisance and abatable as such.

(k) Appeals.

- (1) Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this article, may appeal to the Titusville Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- (2) Upon receipt of such appeal the Titusville Zoning Hearing Board shall set a time and place, within not less than ten (10) or not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- (3) Any person aggrieved by any decision of the Titusville Zoning Hearing Board may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.
- (Ord. 3209. Passed 8-14-12.)

**1351.04 IDENTIFICATION OF FLOODPLAIN AREAS.**

(a) Identification. The identified floodplain area shall be:

- (1) Any areas of City of Titusville, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated August 16, 2012 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by City of Titusville and declared to be a part of this article.

(b) Description and Special Requirements of Identified Floodplain Areas. The identified floodplain area shall consist of the following specific areas:

- (1) The Floodway Area/District identified as floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS.
  - A. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - B. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (2) The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
  - A. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the Base Flood Elevation (BFE) more than one (1) foot at any point.
  - B. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (3) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.



In lieu of the above, the Municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

- (4) The Shallow Flooding Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

(c) Changes in Identification of Area. The Identified Floodplain Area may be revised or modified by the City Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

(d) Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the City of Titusville Planning Commission and any party aggrieved by this decision or determination may appeal to the City Council. The burden of proof shall be on the appellant.

(e) Jurisdictional Boundary Changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.  
(Ord. 3209. Passed 8-14-12.)

#### **1351.05 TECHNICAL PROVISIONS.**

(a) General.

(1) Alteration or relocation of watercourse.

- A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
- B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

- (2) Technical or scientific data shall be submitted by applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the BFE. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:
  - A. Any development that causes a rise in the base flood elevations within the floodway; or
  - B. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
  - C. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).
- (3) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this article and any other applicable codes, ordinances and regulations.
- (4) Within any Identified Floodplain Area (See Section 1351.04(b)), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

(b) Elevation and Floodproofing Requirements.

(1) Residential structures.

- A. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- B. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 1351.04(b)(3).
- C. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(2) Non-residential Structures.

- A. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
  1. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

2. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
  - B. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 1351.04(b)(3).
  - C. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
  - D. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
  - E. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
- (3) Space below the lowest floor.
  - A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    2. The bottom of all openings shall be no higher than one (1) foot above grade.
    3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Historic structures. See Section 1351.09(b)(34) for requirements for the substantial improvement of any historic structures.

- (5) Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
  - B. Floor area shall not exceed 200 square feet.
  - C. The structure will have a low damage potential.
  - D. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
  - E. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
  - F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
  - G. Sanitary facilities are prohibited.
  - H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - 1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    - 2. The bottom of all openings shall be no higher than one (1) foot above grade.
    - 3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(c) Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- (1) Fill. If fill is used, it shall:
- A. Extend laterally at least fifteen (15) feet beyond the building line from all points;
  - B. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
  - C. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - D. Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
  - E. Be used to the extent to which it does not adversely affect adjacent properties.

- (2) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (3) Water and sanitary sewer facilities and systems.
  - A. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - C. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - D. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
- (4) Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (5) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- (6) Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1351.05(d), Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood proofed to the maximum extent possible.
- (7) Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- (8) Anchoring.
  - A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - B. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (9) Floors, walls and ceilings.
  - A. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - B. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
  - C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

- D. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.
- (10) Paints and adhesives.
  - A. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
  - B. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
  - C. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- (11) Electrical components.
  - A. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
  - B. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (12) Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (13) Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- (14) Uniform Construction Code coordination. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this article, to the extent that they are more restrictive and supplement the requirements of this article.  
International Building Code (IBC) 2009 or the latest edition thereof:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and  
Appendix G.  
International Residential Building Code (IRC) 2009 or the latest edition thereof:  
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and  
Appendix J.
- (d) Development Which May Endanger Human Life.
  - (1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
    - A. Will be used for the production or storage of any of the following dangerous materials or substances; or,
    - B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
    - C. Will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone.
  2. Ammonia.
  3. Benzene.
  4. Calcium carbide.
  5. Carbon disulfide.
  6. Celluloid.
  7. Chlorine.
  8. Hydrochloric acid.
  9. Hydrocyanic acid.
  10. Magnesium.
  11. Nitric acid and oxides of nitrogen.
  12. Petroleum products (gasoline, fuel oil, etc.).
  13. Phosphorus.
  14. Potassium.
  15. Sodium.
  16. Sulphur and sulphur products.
  17. Pesticides (including insecticides, fungicides, and rodenticides).
  18. Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any Identified Floodplain Area, any structure of the kind described in subsection (d)(1) hereof, shall be prohibited.
  - (3) Within any Floodway Area, any structure of the kind described in subsection (d)(1) hereof, shall be prohibited.
  - (4) Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 1351.05(d)(1), shall be elevated to remain completely dry up to at least one and one-half (1 ½) feet above base flood elevation.
  - (5) Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 1351.05(d)(1), shall be:
    - A. Elevated, or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above base flood elevation, and
    - B. Designed to prevent pollution from the structure or activity during the course of a base flood.
- Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

(e) Special Requirements for Subdivisions. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(f) Special Requirements for Manufactured Homes.

- (1) Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
  - A. Placed on a permanent foundation.
  - B. Elevated so that the lowest floor of the manufactured home is at least one and one-half (1 ½) feet above base flood elevation.
  - C. Anchored to resist flotation, collapse, or lateral movement.
- (2) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- (3) Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

(g) Special Requirements for Recreational Vehicles. Recreational vehicles in Zones A, A1-30, AH and AE must either:

- (1) Be on the site for fewer than 180 consecutive days, and
  - (2) Be fully licensed and ready for highway use, or
  - (3) Meet the permit requirements for manufactured homes in Section 1351.05(f).
- (Ord. 3209. Passed 8-14-12.)

#### **1351.06 ACTIVITIES REQUIRING SPECIAL PERMITS.**

(a) General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the City of Titusville:

- (1) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - A. Hospitals.
  - B. Nursing homes.
  - C. Jails or prisons.



- (2) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(b) Application Requirements for Special Permits. Applicants for Special Permits shall provide five copies of the following items:

- (1) A written request including a completed Permit Application Form.
- (2) A small scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - A. North arrow, scale and date;
  - B. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
  - C. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - D. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - E. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - F. The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
  - G. The location of all proposed buildings, structures, utilities, and any other improvements; and
  - H. Any other information which the Municipality considers necessary for adequate review of the application.
- (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - A. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  - B. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - C. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
  - D. Detailed information concerning any proposed floodproofing measures;
  - E. Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - F. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

- G. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (5) The following data and documentation:
  - A. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - B. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
  - C. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
  - D. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
  - E. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
  - F. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
  - G. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
  - H. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
  - I. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

(c) Application Review Procedures. Upon receipt of an application for a Special Permit by the City of Titusville the following procedures shall apply in addition to those of Section 1351.03.

- (1) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Titusville Planning Commission and City engineer for review and comment.
- (2) If an application is received that is incomplete, the City of Titusville shall notify the applicant in writing, stating in what respect the application is deficient.

- (3) If the City of Titusville decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
  - (4) If the City of Titusville approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
  - (5) Before issuing the Special Permit, the City of Titusville shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the City of Titusville.
  - (6) If the City of Titusville does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
  - (7) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the City of Titusville and the applicant, in writing, of the reasons for the disapproval, and the City of Titusville shall not issue the Special Permit.
- (d) Special Technical Requirements.
- (1) In addition to the requirements of Section 1351.05, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 1351.05 or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
  - (2) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
    - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
      1. The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
      2. The lowest floor (including basement) will be elevated to at least one and one-half (1 ½) feet above base flood elevation.
      3. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
    - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the City of Titusville and the Department of Community and Economic Development.  
(Ord. 3209. Passed 8-14-12.)

**1351.07 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS.**

(a) Existing Structures. The provisions of this article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of subsection (b) hereof shall apply.

(b) Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- (1) No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- (2) No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (3) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this article.
- (4) The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- (5) Within any Floodway Area/District (See Section 1351.04(b)(1)), no new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (6) Within any AE Area/District without Floodway (See Section 1351.04(b)(2)), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.  
(Ord. 3209. Passed 8-14-12.)

**1351.08 VARIANCES.**

(a) General. If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the Titusville Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

(b) Variance Procedures and Conditions. Requests for variances shall be considered by the Titusville Zoning Hearing Board in accordance with the procedures contained in Section 1351.03(k) and the following:

- (1) No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- (2) No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (3) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (or Prohibited Activities) (Section 1351.06) or to Development Which May Endanger Human Life (Section 1351.05(d)).

- (4) If granted, a variance shall involve only the least modification necessary to provide relief.
- (5) In granting any variance, the Titusville Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this article.
- (6) Whenever a variance is granted, the Titusville Zoning Hearing Board shall notify the applicant in writing that:
  - A. The granting of the variance may result in increased premium rates for flood insurance.
  - B. Such variances may increase the risks to life and property.
- (7) In reviewing any request for a variance, the Titusville Zoning Hearing Board shall consider, at a minimum, the following:
  - A. That there is good and sufficient cause.
  - B. That failure to grant the variance would result in exceptional hardship to the applicant.
  - C. That the granting of the variance will:
    1. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
    2. Not create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (8) A complete record of all variance requests and related actions shall be maintained by the Titusville Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one percent (1%) annual chance flood. (Ord. 3209. Passed 8-14-12.)

#### **1351.09 DEFINITIONS.**

(a) General. Unless specifically defined below, words and phrases used in this article shall be interpreted so as to give this article its most reasonable application.

(b) Specific Definitions.

- (1) Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (2) Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood" or one percent (1%) annual chance flood).
- (3) Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- (4) Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

- (5) Basement - any area of the building having its floor below ground level on all sides.
- (6) Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- (7) Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- (8) Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (9) Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (10) Flood - a temporary inundation of normally dry land areas.
- (11) Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (12) Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (13) Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- (14) Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (15) Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (16) Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (17) Historic structures - any structure that is:
  - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - 1. By an approved state program as determined by the Secretary of the Interior or
    - 2. Directly by the Secretary of the Interior in states without approved programs.
- (18) Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this article.
- (19) Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- (20) Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (21) Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
- (22) New construction - structures for which the start of construction commenced on or after August 16, 2012 and includes any subsequent improvements to such structures. Any construction started after May 10, 1993 and before August 16, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- (23) New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

- (24) Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- (25) Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM), whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- (26) Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM), whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- (27) Recreational vehicle - a vehicle which is:
  - A. Built on a single chassis;
  - B. Not more than 400 square feet, measured at the largest horizontal projections;
  - C. Designed to be self-propelled or permanently towable by a light-duty truck,
  - D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.
- (28) Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- (29) Special flood hazard area (SFHA) - means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
- (30) Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.



- (31) Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- (32) Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- (33) Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.
- (34) Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.  
Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this article, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- (35) Uniform Construction Code (UCC) - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the Municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- (36) Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.  
(Ord. 3209. Passed 8-14-12.)